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By Hon. C. H. Richmond

January 9 1865

HOUSE JOURNAL
OF THE
LEGISLATIVE ASSEMBLY
OF THE
STATE OF KANSAS,
AT ITS
FOURTH SESSION,
COMMENCED AT THE CITY OF TOPEKA, JANUARY 10
AND CONCLUDED MARCH 3,
1865.

PUBLISHED BY AUTHORITY:

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HOUSE JOURNAL

TOPKA, Kansas, Tuesday, January 10th, 1906.

This being the day designated by the Constitution for the meeting of the Legislature, the House of Representatives of the State of Kansas was called to order at 10 o'clock, M., by the Hon. R. A. Barker, Secretary of State, who read a list of the members to whom certificates of election had been issued.

On motion, Mr. Benton was chosen temporary Speaker of the House.

On motion, Mr. Mead was chosen temporary Clerk of the House.

The members were requested to come forward within the Bar and be sworn.

The following oath was then administered to the following named gentlemen by the Hon. Jacob Safford, Associate Justice of the Supreme Court, which oath was respectively subscribed by each:

You, and each of you, solemnly swear, in the presence of Almighty God, that you will support the Constitution of the United States; the Constitution of the State of Kansas, and faithfully perform your duties, as members of the House of Representatives of the State of Kansas, to the best of your ability. So help you God.

David Deitrick,	W. Draper,
D. L. Payne,	S. D. Macdonald,
C. Leland, Jr.,	J. Fletcher,
A. Lowe,	H. Rice,
H. W. Glick,	W. L. Houts,
G. H. Fairchild,	W. Karr,
M. R. Benton,	A. J. Loomis,
S. J. H. Snyder,	J. Hodgson,
G. Storch,	W. Goss,
H. P. Rawlings,	J. F. Broadhead,
D. H. Sutherland,	L. D. Cleavenger,
J. D. Sammons,	D. L. Campbell,
C. C. Coffinberry,	N. Z. Strong,
J. D. Wells,	W. Stewart,
R. Darby,	J. A. Christie,
J. McLeelan,	H. Cavertles,
M. R. Dutton,	A. G. West,
R. Biddle,	H. A. Cook,
A. B. Hendricks,	James Hanway,
T. M. O'Brien,	O. H. Browne,
H. Smith,	J. Throckmorton,
M. Jordon,	F. B. Perry,
C. J. Mide,	J. Foster—(Affirmed)
T. O. Gwartney,	J. Stotler,
E. Stafford,	F. R. Page,
J. P. Salisbury,	R. H. Abraham,
B. C. Foster,	J. B. Mead,
C. S. Glick,	M. R. Leonard,
C. H. Stratton,	J. Spencer,
D. C. Campbell,	A. D. Shepherd,
G. L. Dillie,	A. W. Callan,
F. B. Swift,	J. M. Harvey,
J. R. Kennedy,	C. Kohler,
W. C. Craig,	N. B. Hughes,
B. B. Chandler,	W. C. Murdock,
W. H. Martin,	D. C. Fann,
D. H. Rogers,	

On motion of Mr. Thompson the House proceeded to elect a Speaker. Mr. J. J. Callahan was called out for nomination and Mr. Strong nominated Jacob Stotler of Lynn.

The roll was called with the following result:
Mr. Stotler received 72 votes.

Those voting for Mr. Stotler were—

Messrs. J. J. Callahan, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 52d, Cleveland, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, DeWick, Dutton, Dillie, Draper, Fairchild, Finn, Foster of the 30th, Foster of the 43d, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Steward, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Lowe, Loomis, MacDonald, Martindale, Mead, Mize, Morrow, McLellan, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Soudler, Shepherd, Smith, Spencer, Snyder, Sutherland, Storck, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West.

Mr. Stotler voted for M. R. Benton.

Mr. Stotler having received a majority of all the votes cast, was declared elected Speaker.

Messrs. Broadhead and Strong were appointed a committee to wait on Mr. Stotler, and conduct him to the Speaker's chair.

The Speaker on being conducted to the chair, returned thanks to the House for the honor in the following words:

Gentlemen of the House of Representatives:

I thank you sincerely for the great honor you have conferred upon me, in electing me as your presiding officer in the session of the Legislature which commences to-day. I feel that I have been promoted beyond my merits. I see the faces of those among your members that I believe could have brought more ability to the discharge of the duties of this responsible and laborious position. But

since you have seen fit to honor me so highly, I shall discharge the duties of the position to the best of my ability. It will be my aim on all occasions to be fair and impartial. It is human to err, and I expect I shall make mistakes; therefore I shall ask of you a liberal exercise of those virtues, "forbearance," and "patience." You have it in your power to make this position one of comparative ease, and I ask, and believe I shall receive your assistance and your sympathy.

The position of a legislator is one of great trust and responsibility and if our deliberations are conducted in the right spirit, and in a proper manner, we will be able to accomplish a great deal of good for our enterprising and growing young commonwealth. We should stand united and continually step before us the good of our people. We should stand together as a solid body for the advancement of freedom and free institutions. Let us strive to add something to the good which has been accomplished by our brave armies, for the great cause which is near and dear to us all.

Again let me thank you for the honor you have shown me, and assure you that all that I can do to preserve harmony in our deliberations, and accomplish good for our constituents, shall be done.

The oath was then administered to the Speaker.

On motion, the House proceeded to the election of Speaker pro tem.

Mr. Throckmorton nominated N. Z. Strong, of Bourton.

The roll was called with the following result:

Mr. Strong received 72 votes.

Those gentlemen voting for Mr. Strong were:

Meyers, Abraham, Benton, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster of the 30th, Foster of the 63d.

Fletcher, Glick, of the 9th, Glick, of the 31st, Goss, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy, of the 36th, Kennedy, of the 28th, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead Mize, Morrow, McLellan, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Stewart, Swift, Throckmorton, Wells, West, Mr. Speaker.

Mr. Strong voted for Mr. Mize.

Mr. Strong having received a majority of all the votes cast, was declared duly elected Speaker *pro tem*.

On motion, the House adjourned until 3 P. M.

AFTERNOON SESSION.

3 o'clock P. M.

House called to order.

Speaker in the chair.

Quorum present.

Mr. Russell, of Doniphan county, came forward and was sworn in.

Mr. Sammons offered the following resolution:

Resolved, That we now proceed to complete the organization of this House, by electing in the following order:

1st. Chief Clerk; 2d. Assistant Chief Clerk; 3d. Journal Clerk; 4th. Docket Clerk; 5th. Enrolling Clerk; 6th. Engrossing Clerk; 7th. Sergeant-at-Arms; 8th. Assistant Sergeant-at-Arms; 9th.

Door-Keeper; 10th Assistant Door-Keeper, and three Pages.

Mr. Russell offered the following amendment:

Resolved, That the House now proceed to the election of a Chief Clerk, who shall have the power to appoint such subordinates as he may from time to time require, and a Sergeant-at-Arms, who shall be empowered to appoint such Assistant Sergeant-at-Arms, Door-Keeper and Pages, as the necessities of the House may require.

Mr. Glick moved an amendment to the amendment, that the Speaker be empowered to make the appointments instead of the Clerk and Sergeant-at-Arms, which was accepted by Mr. Russell.

The amendment was lost, and the original resolution adopted:

Mr. Sammons nominated D. B. Emmert for Chief Clerk.

Mr. Russell nominated A. R. Banks.

Mr. Broadhead withdrew Mr. Banks' name.

The roll was called with the following result:

Mr. Emmert received 73 votes.

Those gentlemen voting for Mr. Emmert were:

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster of the 30th, Foster of the 33d, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West, Mr. Speaker.

Mr. Emmert having received a majority of all the votes cast, was declared duly elected.

Mr. Throckmorton nominated Freeman Bell, for Assistant Chief Clerk.

The roll was called with the following result:

Mr. Bell received 73 votes.

Those voting for Mr. Bell were :

Messrs. Abraham, Benton, Broadhead, Browa, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Cook, Coffinbury, Cleavinger, Craig, Darby, Deitrick, Dutton, Dille, Draper, Fairchild, Finn, Foster of the 30th, Foster of the 63d, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Seudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells and Mr. Speaker.

Mr. Bell having received a majority of all the votes cast, was declared duly elected.

C. S. Lambdin was elected Journal Clerk by acclamation.

John McReynolds was elected Docket Clerk by acclamation.

John T. Cox was elected Enrolling Clerk by acclamation.

D. F. Drinkwater was elected Engrossing Clerk by acclamation.

J. D. Farren was elected Sergeant-at-Arms by acclamation.

Samuel Archer was elected Assistant Sergeant-at-Arms by acclamation.

B. Crawford was elected Door-Keeper by acclamation.

C. K. Prentiss was elected Assistant Door-Keeper by acclamation.

A. Bartlett, Wm. Miller and Wm. Griffith were elected Pages by acclamation.

Mr. Throckmorton offered the following resolution:

Resolved, That until otherwise ordered the rules of the House of Representatives of 1864, except rule No. 42, be and they are hereby adopted as the rules of the House of Representatives at its present session.

The resolution was adopted.

Message from the Senate:

MR. SPEAKER:—I am instructed to inform the House of Representatives, that the Senate has passed the following resolution:

Resolved, That the Secretary of the Senate be instructed to inform the House that the Senate has organized by the election of

A. SMITH DEVENNEY, Secretary;
W. S. NEWBURY, Assistant Secretary;
M. M. MURDOCK, Docket Clerk;
L. M. BENEDICT, Engrossing Clerk;
IRA H. SMITH, Journal Clerk;
W. H. BOWMAN, Enrolling Clerk;
THEODORE MILLS, Sergeant-at-Arms;
W. B. THOMPSON, Door-Keeper;
CHARLES L. HORNE, } Pages.
CLARENCE WALROD, }

I am hereby directed to inform your honorable body, that the following resolution has been adopted by the Senate:

Resolved, That a committee of three, on the part of the Senate, be appointed to act with a like committee, on the part of the House, to wait upon the Governor and notify him that the two Houses are organized, and ready to receive any communication he may have to make,—Senators Houston, Potter and Danford were appointed such committee.

A. S. DEVENNEY,
Secretary of the Senate.

On motion of Mr. Glick of the 6th, the Clerk was instructed to inform the Senate, that the House has organized by the election of Jacob Stotler, Speaker; D. B. Emmert, Clerk, and J. D. Farren, Sergeant-at-Arms, and are now ready to proceed to business.

Mr. Strong offered the following resolution, which was adopted:

Resolved, That the Speaker appoint a committee of three, to act in concert with a like committee from the Senate, to wait on the Governor, and notify him that the two Houses are now organized, and ready to receive any communication which he may be pleased to transmit.

Mr. Fairchild offered the following resolution, which was adopted:

Resolved, That the use of the Hall of Representatives be hereby tendered to the State Agricultural Society, for the purpose of holding a meeting therein this evening, December 10th, 1865.

Mr. Broadhead offered the following resolution, which was adopted:

Resolved, That the Clerk deposit the names of the different members of the House upon separate slips of paper, and draw the same from a hat, that the members may select seats as their names are drawn.

The Speaker appointed the following committee, on the part of the House, to wait on the Governor:

Messrs. Strong, Glick of the 6th, and Sammons.

Mr. Riddle offered the following resolution:

Resolved, That for the purpose of obtaining full and complete reports of the proceedings of the Legislature, at its present session, we hereby order the Sergeant-at-Arms to procure ten copies of the *Daily State Record*, for each member and officer of the House,—said paper to be furnished for \$2 50 per copy for the session, and to contain at the close of the session all laws and resolutions of the session, in the order in which they were passed.

Mr. Fairchild moved to strike out ten, and insert twenty.

Pending discussion thereon, the House adjourned until 10 A. to-morrow.

MORNING SESSION.

WEDNESDAY, JAN. 11, 1865, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs: Broadhead, Callen, Christy, Church, Cleaver, Darby, Deitrick, Foster of the 30th, Fletcher, Griswold, Hovey, Hodgson, Kohler, Leland, Loomis, Macdonald, Mize, Pay Perry, Russell, Shephard, Stratton and Wells.

Mr. Strong moved that the Rev. M. Fisher open the House with prayer. Carried.

Journal of yesterday read, corrected and approved.

Mr. Church, of Pottawattomie; Mr. Atwood, of Leavenworth and Mr. Griswold, of Bourbon, appeared and were sworn.

Mr. Glick of the 6th, offered the following substitute to the resolution offered yesterday, relating to the procuring of copies of *State Record*:

Resolved, That the Committee on Printing be authorized to contract with the proprietors of the *State Record* for furnishing the same.

bers of this House with ten copies each of that paper, at a cost not to exceed _____ for the present session, *Provided* that said papers shall contain a full, fair and impartial report of the daily debates and proceedings of the House, and shall publish, without any extra charge to the State, any law or joint resolution ordered to be published by the law or resolution itself, and *provided, further*, that this House shall have the right to rescind said contract at any time, if in its judgment the conditions above indicated are not complied with, and also furnish one copy of some other daily paper to be named by the members.

The ayes and noes were demanded and taken with the following result:

Those gentlemen voting aye were—

Messrs. Benton, Broadhead, Browne, Campbell of the 51st, Candler, Callen, Christy, Church, Cook, Coffinberry, Cleavenger, Craig, Darby, Dutton, Dillie, Draper, Fletcher, Goss, Glick of the 31st, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Kohler, Lowe, Mead, Mize, Morrow, O'Brien, Perry, Riddick, Rise, Sammons, Scudder, Shepherd, Snyder, Smith, Stafford, Stratton, Strong, Swift, Throckmorton, West and Mr. Speaker.

Ayes 42.

Those gentlemen voting noes were—

Messrs. Campbell of the 33d, Deitrick, Fairchild, Foster of the 30th, Foster of the 63d, Finn, Gwartney, Jordon, Karr, Kennedy, Leland, Leonard, Loomis, Martindale, McLellan, Page, Payne, Rawlings, Rogers, Russell, Salisbury, Sutherland, Storck, Stewart, Spencer and Wells.—Noes 26.

And so the resolution was adopted.

Message from the Senate:

Mr. SPEAKER—I am directed to inform the House of Representatives that the Senate has passed the following resolutions and request your concurrence therein:

Resolved, By the Senate, (the House of Representatives concurring) that the Joint Rules of the Legislature of the State of Kansas of 1864, be and they are hereby adopted as the Joint Rules of the Legislature at its present session.

Resolved, By the Senate, (the House of Representatives concurring) that the two Houses of the Legislature meet in Joint Convention in the Hall of the House of Representatives at 2 o'clock P. M., on Thursday the 12th day of January, A. D. 1865, for the purpose of electing a United States Senator, for the term of six (6) years, commencing March 4th, A. D. 1865.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Benton offered the following resolution, which was adopted:

Resolved, That the Secretary of State be authorized to procure the necessary rooms for enrolling and engrossing bills.

Mr. McLellan offered the following resolution, which was adopted:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the laws of this State, as to dispense with the holding of elections in the month of April of each year—said committee to report by bill or otherwise.

Mr. Glick of the 6th, offered the following resolution, which was adopted:

Resolved, That the Secretary of State be directed to furnish each member of this House with a copy of the compiled Laws and the Session Laws of 1863 and 1864, also a copy of the Journals of the Legislature of 1864.

Mr. Sammons offered the following resolution, which was adopted:

Resolved, That we invite the clergymen of Topeka to officiate as chaplain of this House for the present session, alternately.

Mr. McLellan introduced House Bill No. 1, "An act to prevent

enlistments in this State, upon the quota of any other State." Read first time.

Mr. Glick of the 6th, introduced House Bill No. 2, "An act to establish a road." Read first time.

Mr. Strong from the Committee to wait on the Governor, presented the following report:

MR. SPEAKER—The Committee on the part of the House to wait on the Governor and apprise him of the organization of the two Houses of the Legislature, beg leave to report that they have discharged the trust assigned, and that the Governor will be pleased to communicate with the House, at 2 o'clock this afternoon, January 11th, 1865.

N. Z. STRONG, *Chairman*.

Mr. Glick of the 6th, moved that a committee of three be appointed to prepare Rules for the House. Adopted.

The Speaker appointed Messrs. Glick of the 6th, Strong, and Morrow such committee.

The following Message from the Senate was taken up, the resolution relating to appointment of a committee on Joint Rules adopted, and Messrs. Benton, Russell, and Macdonald appointed said committee.

MR. SPEAKER—I am instructed to inform the House of Representatives that the Senate has passed the following resolution, and desire the concurrence of your honorable body:

Resolved, That a committee of three be appointed to prepare Rules for the Senate, and that they act with a like committee of the House to prepare Joint Rules for the government of the two Houses.

Senators Ekridge, Colton and Leggett were appointed such committee.

Mr. SMITH DEVENNEY, Secretary of the Senate.

A message from the Secretary of State with papers relating to contested seats was received.

Mr. Glick of the 6th, moved that the message and papers be referred to the Committee on Elections, when appointed. Adopted.

Mr. Stratton moved to adjourn. Carried.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

The following Message from the Governor was received, and the motion of Mr. Broadhead, was read:

GOVERNOR'S MESSAGE.

The Governor's Message was received by the hands of his private Secretary and read to the Senate:

Gentlemen of the Senate and House of Representatives of the State of Kansas:

The Constitution of the State makes it the duty of the Governor at the commencement of each session of the Legislature to communicate, in writing, such information as he may possess in reference to the condition of the State and recommend such measures as he may deem expedient. In compliance with this requirement and in

accordance with established usage, I herewith transmit to you such information as I have, together with such recommendations as in my judgment the interests of the State require.

During the past season our citizens have been blessed with health and unusual prosperity. Although the productions of the soil have been less abundant than in former years, yet they have been sufficient to meet our wants, and amply reward the husbandman for his labor.

The repeated efforts of the enemy to invade the State and desolate our homes, under the blessing of the God of Providence, and through the skill and energy of our military commanders (with their respective commands) and the eternal vigilance and patriotism of our militia, who always so nobly respond to a call to arms, have been thwarted and successfully averted. For this deliverance we should offer our deepest feelings of gratitude to Almighty God.

The re-election of Abraham Lincoln is the people's declaration that the war is not a failure, but that it shall be vigorously prosecuted until the last vestige of American Slavery is extirpated—until every traitor lays down his arms and bows in allegiance to our flag, and submission to the laws of our Government.

It is our duty, and not ours only, but the duty of every loyal man in the Nation to support the Federal Administration, and afford every facility for the vigorous and successful prosecution of the war to a speedy termination.

Kansas will do her whole duty. Her soldiers have made for themselves a reputation which for patriotism, discipline, and patient endurance stands second to that of no other State; and her citizens have esteemed no cost of sacrifice too great, to beat back the waves of rebellion, and protect the Nation's life.

FINANCE.

Your attention is invited to the Treasurer's report which I herewith transmit for a detailed statement of the financial condition of the State.

The receipts during the year ending December 31st, 1864, were as follows:

State Taxes,	\$149,963 14
Sale of Books,	41 50
Military Warrants, Act approved Feb. 23d, 1864,	67,500 00
Penitentiary Bonds, Act approved March 1st, 1864,	45,000 00
Remaining in Treasury January 1st, 1864,	11,231 75
Making a total of	\$273,736 42
Total disbursements,	231,625 62
Balance in Treasury December 31st 1864,	\$42,110 80
Belonging to Penitentiary Fund,	27,528 92
For general purposes,	\$14,581 88
Delinquent Taxes for 1861,	17,026 85
“ “ 1862,	32,953 21
“ “ 1863,	32,434 44
Due from General Government,	12,352 00
Total,	\$109,346 38
Amount of seven per cent Bonds of 1861, outstanding December 31st, 1864,	\$150,000 00
Amount of seven per cent bonds of 1863, outstanding December 31, 1864,	\$54,000 00
Military Bonds, of 1864, outstanding December 31st, 1864,	75,000 00
Penitentiary Bonds,	50,000 00
Interest payable semi-annually, an amount total to January 1st, 1865,	18,515 00
Interest payable semi-annually, an amount total to July 1st, 1865,	11,515 00
Amount of six per cent Bonds outstanding December 31st, 1864,	51,500 00
Interest on same,	3,090 00
Amount of State warrants outstanding,	43,149 48
Territorial outstanding,	12,620 76
Total,	\$462,390 24
Leaving to be provided for, from the Auditor's estimate for the year 1865—	
Current expenses of the State,	71,750 00
Interest on the Public Debt,	30,000 00
Sinking Fund,	25,000 00
Total,	\$126,750 00

I herewith transmit the able report of the Secretary of State which with other valuable information shows the list of lands confirmed to the State by the Secretary of the Interior, amounting in

be aggregate, to four hundred and ninety-five thousand, five hundred and fifty-two and twenty-hundredths acres for school purposes. Of this amount one hundred and ninety-five thousand five hundred and twenty acres, were selected in the Humboldt Land District and two hundred and ninety-six thousand, thirty-two and twenty-hundredths acres in the Junction City District.

There has also been confirmed in the State twelve Salt Springs, with 46080 acres of land;

For Public Buildings,	6,376	56-100	acres.
" State University,	45,886	35-100	"
" Schools in Lieu of Sec. 16 and 36,	17,638	59-100	"

Making a total of	611,533	70-100	"
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Your attention is invited to the reports of State Auditor, Attorney General, and Commissioner of Immigration, which I herewith transmit.

The State has furnished for the war seventeen regiments, with an aggregate of twenty thousand eight hundred and twenty-two men, (including after enlistments into these regiments to fill their decimated ranks,) of number one thousand two hundred and nine have re-enlisted as veterans.

The quota of Kansas under the various calls to July 19th, 1864, was fourteen thousand one hundred and four; add to this quota under the last call, which will be, if assigned to Kansas, two thousand two hundred and thirty-three, and we have a total of sixteen thousand, three hundred and thirty-seven, which with due allowance for those enlisted from other States and accredited to Kansas will still give the State an excess over and above all calls: but from some cause we have not received credit for all the troops furnished by the State.

EDUCATION.

I most respectfully call your attention to the subject of education. It cannot be too carefully considered by you. A summary statement furnished by the Superintendent of Public Instruction shows eight hundred and fourteen School Districts organized with thirty-seven thousand five hundred and eighty-two children. Of this number twenty-two thousand four hundred and twenty nine attended School the past year.

Number of Teachers employed,	731
Salary received,	\$50,957 37
Amount received by County Treasurers from	
School Districts,	49,993 02
By District Tax,	58,237 25.

There are thirty-three select Schools with fifty teachers and one thousand seven hundred and eighty-six students; four Colleges with sixteen Professors, and four hundred and fifty-one students, and the State Agricultural College with four Professors and one hundred and seven students.

There are in attendance at the Colleges, Select and Common Schools, twenty-four thousand seven hundred and ninety-three scholars.

We may truly feel gratified over this manifest improvement in the means of education throughout the State. If there be one thing more than any other to which the whole energy of the State should be directed it is the education of the rising generation, that they may be well informed on all subjects of importance and the public policy of the country guided by wisdom and truth: and I recommend that ample and judicious appropriation be made for this object.

I ask your attention to an abstract of the Geological report of Professor B. F. Mudge, herewith transmitted, and recommend that an Appropriation be made to complete the survey, which is all-important to the development of the Agricultural and Mineral resources of the State.

Your attention is called to the report of the Directors of the State Penitentiary, herewith transmitted. By it you will perceive the work of building the Penitentiary, progresses slowly.

On examination of the contract for the erection of the north wing and Warden's house of said Penitentiary on file in the office of Secretary of State, it will be discovered that the work was to have been completed on the 15th day of December, 1864.

The report of the Directors will show that it is still *incomplete*.

and that the contract has not been complied with. In addition to the amount previously expended, the last Legislature appropriated fifty thousand dollars for the erection of the Penitentiary building. According to the Treasurer's report twenty-seven thousand, five hundred and twenty-eight, and sixty-two hundredths dollars of this fund remain in the Treasury unexpended. To this amount, an additional appropriation of sixty thousand dollars is recommended by the Directors. It is of the greatest importance that the work should be completed, but before any further appropriation be made, I do earnestly recommend a thorough investigation of the whole matter, including the contract under which the work has thus far progressed.

Total confined in Penitentiary (as per report) in 1864,	32
Pardoned,	17
Escaped,	7
Remaining,	8

The reports of the Adjutant General, Paymaster General, and Quartermaster General of the State will be transmitted as soon as completed, with such recommendations as the interest of these departments shall seem to require.

CENSUS.

SECTION 26, ART. 2, of the Constitution, requires the Legislature to provide for taking the census of the State in the year 1865.

In complying therewith it is recommended to adopt such a method as will secure the information desired, with due regard to economy in the expenditure of the public funds in its attainment. The importance of this subject is very generally under-estimated. Every branch of industry and enterprise will find an exhibit therein; and if our resources and their rapid development be fully presented, its influence in directing immigration to this State, will be favorably felt throughout the Commonwealth.

IMMIGRATION.

I desire to call your special attention to the subject of immigration. The number of able-bodied men abstracted from the laboring population of the country to meet the exigencies of the war, renders this

a matter of great importance at this time to any State in the Union, and especially to any Western State.

The General Government are giving it their earnest attention—the last Congress having passed an act organizing a National Bureau of Immigration in the Department of the Interior. This Bureau is now in active operation. It has agents in New York, Boston, Portland, and other places on the eastern seaboard, and also at eligible points in Europe. On this subject our able and distinguished Senator, General Lane, has an important and special influence by reason of his position as chairman of the Senate committee of agriculture, to which this subject is referred.

To operate in this connection to secure a fair share of the advantages to be derived from this Bureau, should be our particular object. I would therefore advise that the act passed by the last Legislature, be so amended as to provide simply for a Kansas State Agent in the city of New York, with a sufficient stated salary, whose duty it should, in part, be, to visit the principal cities of the Union, and make such arrangements with railroad and steamboat companies as will lessen the rate of fare, and otherwise facilitate the passage of emigrants to Kansas.

He should be in correspondence with the local State Bureau of Immigration, and other sources, in order to be fully supplied with all necessary information touching the character of the soil, minerals, climate, population, laws, productions, &c., of the State. It is believed that in view of the operations of the National Bureau of Immigration, this is all that is necessary for us to do in the premises. It is my opinion that our State Agent in New York should not be restricted to the single subject of immigration. The interest on our State debt, is required to be paid at regular periods in the city of New York. State bonds are also negotiable here. It should therefore be a more general agency, confined for the present, however, to the two objects of Immigration and Finance. The expenses for traveling, &c., would be considerably less than is now being expended under existing laws.

To you as one of the co-ordinate branches of our State government is intrusted the important business of making the laws. It

will afford me pleasure to give in detail any such information I may possess, and not now attainable; and pledge you my hearty co-operation in all measures for the protection and development of the interests of the State and its growing population. I would suggest retrenchment where it may be made without prejudice; and a rigid economy in all appropriations. I am not aware that there is such an amount of legislation as will occupy your attention during the whole time limited by law, and would thereby suggest that your session be as short as a proper regard and care for the public interest will justify.

Kansans first said to the slave-power, "Thus far shalt thou go and no farther," and have nobly maintained that position to the present hour. Never did a darker night brood over any people than that which preceded the 23d day of October, 1864.

The morning dawned—Heaven smiled—and victory crowned our arms; and the enemy were taught the lesson, writtē in characters of human blood, that death is the traitor's doom that would pollute our soil. To our brave soldiers, for the present, is eminently committed the guardianship of this goodly heritage.

Kansas soldiers have reared a proud monument to her fame. The first to stand as sentinels on the mountain tops of freedom—to hail the power-stricken children of oppression—to lead them from their dark thralldom of slavery, to the glorious sunlight of peace and national liberty.

Hundreds of these brave heroes already sleep the sleep which knows no earthly waking; and doubtless hundreds more that are now writing in living characters, their names, on memories immortal tablets, will also, ere this war shall close, cease from their labors, but their works will follow them. Let us emulate their virtues—humbly and devoutly put our trust in God, and our past glory and greatness are only the earnest of a still more glorious future.

S. J. CRAWFORD.

TOPEKA, KANSAS, Jan. 11th, 1865.

The Speaker shall preside over the House and shall have the right to suspend any member who is guilty of disorderly conduct. He shall also have the right to adjourn the House from day to day and from one place to another, and to call the House to order. He shall also have the right to appoint and remove all officers and clerks of the House, and to appoint and remove all members of the House of Representatives. He shall also have the right to appoint and remove all members of the House of Representatives.

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3. He may, in the absence of the Speaker pro tem., substitute any member to perform the duties of the Chair, for a period not exceeding

two consecutive legislative days, but for no longer period, except by special consent of the House.

5. When the House shall be ready to go into Committee of the Whole, he shall name a Chairman to preside.

6. He shall sign all Bills passed by the House, and certify the passage of all Bills that may be passed over the Governor's veto, with the date of their passage. In the absence of the Speaker, the Speaker *pro tem.* shall perform all the duties required of the Speaker.

OF THE ORDER OF BUSINESS.

RULE 3. The first business of each day's session shall be the calling of the roll, after which the Journal shall be read and approved.

RULE 4. The order of business, except on days and at times set apart for the consideration of special orders, shall be as follows, to wit:

1. The presentation of petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Communications from the State Officers.
6. Messages from the Senate.
7. Original motions and Resolutions.
8. Consideration of motions and Resolutions offered on a previous day.
9. Introduction of Bills.
10. Second reading and reference of Bills.
11. Third reading of Bills reported by the Committee of the Whole.
12. General Orders of the day, consisting of Bills ready to be considered in Committee of the Whole.

HOUSE JOURNAL

OF THE RIGHTS AND DUTIES OF MEMBERS

RULE 5. Petitions, Memorials, and any other business presented to the House, shall be presented by a member in person to the Speaker.

RULE 6. Each member shall report of a Committee, or the name of the Committee.

RULE 7. Each member shall be stated by the Chair, shall be excused by the House.

OR

RULE 8. Any member shall address the Speaker and him.

RULE 9. While entertaining any

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each, except Judiciary, Railroads and Ways and Means, which shall consist of seven members each, shall be appointed by the Speaker, on the following subjects:

1. Judiciary.
2. Ways and Means.
3. Retrenchment and Reform.
4. Railroads.
5. Federal Relations.
6. Banks and Currency.
7. Corporations.
8. Internal Improvements.
9. Public Institutions.
10. Public Lands.
11. Public Buildings.
12. Elections.
13. Militia.
14. Education.
15. Roads and Highways.
16. Printing.
17. Fees and Salaries.
18. Counties.
19. County Lines and County Seats.
20. Agriculture and Manufactures.
21. Claims.
22. Accounts.
23. Engrossed Bills.
24. Enrolled Bills.
25. State Library.

RULE 15. It shall be the duty of each Committee to inquire into the matter indicated by its name, and to report thereon to the House any information, and any Bill or Resolution which it may deem conducive to the public good; and any Bill referred to a Committee, shall be reported back to the House within five days after reference, unless further time shall be given by the House.

OF GENERAL AND SPECIAL ORDERS.

RULE 16. Bills that have been reported by a Standing or Select Committee, shall constitute the General Orders, and their titles shall be recorded in a calendar, prepared by the Docket Clerk, in the order in which they are reported from the Committee,

RULE 17. The business of the General Orders shall be taken up as follows: The Clerk shall announce the title of each Bill, as it shall be reached in its order; whereupon it may be taken up on the call of any member; but if not so called, it shall lose its precedence until the entire calendar shall be called. Whenever five Bills have thus been called, consecutively, the House shall go into Committee of the Whole upon them, without further order.

RULE 18. Each member shall be furnished with a copy of the daily calendar, prepared by the Docket Clerk, which shall include the Bills on third reading, and the General Orders.

RULE 19. Any matter may be made the special order for any particular time or day, by the consent of two-thirds of the members voting.

RULE 20. All General Orders pertaining to the organization of new Counties, or the change of County Lines, or County Seats, shall be the order of the day for Friday of each week, and on that day only, and on that day no other business shall be transacted until all such business is disposed of.

RULE 21. The unfinished business before the House at the time of adjournment, shall have precedence in the Orders of the Day.

OF COMMITTEE OF THE WHOLE.

RULE 22. The same rules shall be observed, in the Committee

of the Whole, as in the House so far as the same are applicable, except that the previous question shall not apply, nor shall the yeas and noes be taken.

RULE 23. A motion to rise and report progress shall be in order at any stage, and shall be decided without debate.

RULE 24. Bills and other matters shall be considered in Committee of the Whole, in the following manner, viz: They shall first be read through, unless the Committee shall otherwise order; and unless the Committee shall then strike out the enacting clause, they shall be read and considered by sections, leaving the title to be last considered. All amendments, in their coherence, shall be reported to the House by the Chairman.

RULE 25. If, at any time, when in the Committee of the Whole House, it be ascertained that there is no quorum present, the Chairman shall immediately vacate the chair, and report the fact to the Speaker.

OF BILLS.

RULE 26. No bills shall be introduced, except as provided in Rule 4, unless by unanimous consent.

RULE 27. Each Bill, when introduced, shall be sent to the Clerk, who shall read its title. This the Speaker shall announce as the first reading of the Bill.

RULE 28. Upon the next day, it shall be read, (by its title, unless five members shall demand its reading in full,) and be referred to the appropriate Standing, or to a Select Committee.

RULE 29. When reported favorably by the committee, it shall be printed, (if unfavorably reported upon by the committee it shall not be printed unless the House shall so direct,) and shall take its place on the calendar, as a part of the General Orders.

RULE 30. After being reported by the Committee of the Whole, if the Bill is not rejected, it shall be engrossed for a third reading.

RULE 31. On the next, or some subsequent day, it shall be read

a third time, by sections, and put upon its final passage, without amendment.

RULE 32. Bills reported by the Committee of the Whole shall still be subject to debate before the question to engross is put; such amendments only shall be in order as were offered in the Committee of the Whole; and where a Bill shall be reported, with the enacting clause stricken out, and the report shall be agreed to by the House, it shall be considered as rejected.

RULE 33. All Bills shall be engrossed in the order in which they have been directed to be engrossed by the House.

RULE 34. The question upon the final passage of all bills shall be taken by the ayes and noes; and the vote upon the final passage of any Bill in the House, which may have been amended by the Senate, shall only be passed by a majority of all the members elected to the House, voting by ayes and noes.

OF MOTIONS AND THEIR PRECEDENCE.

RULE 35. When a question shall be under consideration, no motion shall be received except as herein specified; which motions shall have precedence in the order stated, viz:

1. For adjournment of the House.
2. For a call of the House.
3. For the Previous Question.
4. To lay on the table.
5. To postpone to a certain day.
6. To commit to the Committee of the Whole.
7. To commit to a Standing Committee.
8. To commit to a Select Committee.
9. To amend.
10. To indefinitely postpone.

RULE 36. The motion to adjourn, for a call of the House, and to lay on the table, shall be decided without amendment or debate. The several motions to postpone or commit, shall preclude all debate on the main question.

RULE 37. Every motion shall first be stated by the Speaker, or read by the Clerk, before debate, and again immediately before putting the question; and every motion, except those specified in the 35th Rule, shall be reduced to writing, if the Speaker or any member desire it; *Provided*, That the motion to amend shall be reduced to writing, if required by the Speaker.

RULE 38. That no subject, different from that under consideration, shall be admitted under color of amendments.

Rule 39. When different sums are moved in filling blanks, the question shall first be put on the largest sum and the longest time.

Rule 40. The motion to adjourn shall be always in order.

Rule 41. No motion for reconsideration of any vote shall be in order, unless on the same day, or the following legislative day to that on which the decision proposed to be reconsidered took place; nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, shall not be renewed; nor shall any subject or vote be a second time reconsidered, without unanimous consent.

OF RESOLUTIONS.

Rule 42. The following class of resolutions shall lie over one day for consideration, after which they may be called up, under their appropriate order of business.

1. All concurrent resolutions.
2. Resolutions containing calls for information on the Executive Department.
3. Resolutions giving rise to debate, except such as relate to the disposition of matter immediately before the House; such as relate to the business of the day on which they are offered, and such as relate to adjournment.

Rule 43. All resolutions for the printing of an extra number of any document, paper or Bill, shall be referred as of course to the standing Committee on Printing, to consider and report thereon.

Rule 44. All other resolutions calling for, or leading to expenditure for the use of the Legislature, shall be referred to, and reported on, by the Committee on Accounts, unless the House shall designate some other Committee.

OF THE PREVIOUS QUESTION.

Rule 45. The "Previous Question" shall be as follows: "Shall the main question now be put;" and until it is decided, shall preclude all amendments or debate. When, on taking the Previous Question, the house shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be on the passage of the bill, resolution or other matter, under consideration; but when amendments are pending, the question shall first be taken upon such amendments in their order, and when amendments have been adopted by the Committee of the Whole, and not acted on in the House, the question shall be taken upon such amendments in like order, and without further debate or amendment.

OF ADMISSIONS TO THE FLOOR OF THE HOUSE.

Rule 46. The following class of persons, and no others, shall have admission to the floor of the House:

1. All Members and Officers of the Legislature.
2. State Officers.
3. Reporters of the Public Press.
4. Judges of the Supreme and District Courts.

MISCELLANEOUS PROVISIONS.

Rule 47. In all cases of the absence of a quorum during the Sessions of the House, the members present may take such measures as they shall deem necessary to secure the presence of a quorum; and may inflict such censure or pecuniary penalty as they may deem just, on those who, being called for that purpose, shall render no sufficient excuse for their absence.

Rule 48. The Speaker shall not be compelled to vote, except when his vote will change the result.

Rule 49. If any question contain distinct propositions, it shall be divided by the Chair, at the request of any member; but a motion to strike out and insert shall be inadmissible.

Rule 50. In all cases where a bill, order, motion, or resolution shall be entered on the Journal, the name of the member introducing or moving the same, shall also be entered.

Rule 51. The Ayes and Noes may be taken on any question, whenever so required by any five members, (unless a division of Ayes and Noes be already pending,) and when so taken, shall be entered on the Journal.

Rule 52. No rule or order of the House shall be suspended, rescinded or changed, except by a vote of two-thirds of all the members voting.

Rule 53. Concurrent Resolutions from either House, and Senate's amendments to House Bills, shall be in order at any time when no question is pending.

Rule 54. The call of the House shall be ordered on the demand of any five members, on the taking of a vote on any Bill or Resolution.

DUTIES OF OFFICERS OF THE HOUSE.

Rule 55. It is the duty of the Chief Clerk to keep a faithful record of all the proceedings of the House; to call the roll, report correctly the result of voting, yea and nay, and division votes; read, or cause to be read, the Journal, and all Bills, Resolutions, Petitions or other papers which the House may require; deliver all messages to the Senate; deliver all Bills to be engrossed to the Engrossing Clerk, and all Bills to be enrolled to the Enrolling Clerk.

Rule 56. It is the duty of the Assistant Clerk to aid the Chief Clerk in the performance of his duties, and to perform the same in the absence of the Chief Clerk.

Rule 57. It is the duty of the Journal Clerk to furnish the Chief Clerk, each morning, a correct copy of the Journal of the preceding day.

Rule 58. It is the duty of the Docket Clerk to keep a correct record of the number, title and state of every Bill, Resolution, Memorial, etc., and furnish the Sergeant-at-Arms, every evening, with a correct copy of the number and title of all Bills, etc., that shall come under the head of General and Special Orders for the ensuing day.

Rule 59. It is the duty of the Engrossing Clerk to copy, correctly, all Bills and other papers ordered to be engrossed, and deliver the engrossed and original copies to the Committee on Engrossed Bills.

Rule 60. It is the duty of the Enrolling Clerk to copy, correctly, all Bills and other papers ordered to be enrolled, and deliver the enrolled and original copies to the Committee on Enrolled Bills.

Rule 61. It shall be the duty of the Sergeant-at-Arms to deliver to the printer, all Bills, etc., ordered to be printed, except the Journal; return and distribute the printed copies; procure all stationery, fuel, furniture, etc., and execute all orders of the House not otherwise provided for. He shall have the general supervision of the hall of the House of Representatives, Committee and Clerk rooms.

Rule 62. It shall be the duty of the Door-keeper to see that no person is admitted within the bar, except those admitted by rule or special order; he shall brush and arrange the desks and hall, procure water and keep the Hall properly warmed and ventilated, and execute all orders directed to him by the House.

Rule 63. In any case where these rules do not apply, the rules of Parliamentary Law laid down in Cushing's Manual shall govern.

Mr. Strong offered the following resolution, which was adopted :

Resolved, That the Governor's message be referred to a special committee of five, to be appointed immediately, to inquire into the Standing Committees of the House and report thereon to the House.

The Speaker appointed as such committee, Messrs. Strong, Swift, Chase, and the Chief Clerk. The committee reported to the House that they had examined the Standing Committees of the House and found that the same were organized in accordance with the Constitution and the Rules of the House.

Resolved, That the Secretary of State be instructed to have printed, and the Sergeant-at-Arms instructed to furnish each member of the House with a copy of Rules of the House, and Joint Rules of the Senate and House of Representatives, containing an alphabetically arranged list of the names of the members of the Senate and House, and also a list of the Standing Committees of the two Houses.

Mr. Snyder offered the following resolution:

Resolved, That there shall be no smoking or chewing of tobacco, allowed within this Hall during the Session of this Legislature.

Mr. Condit moved to amend by striking out the word chewing.

On motion of Mr. Foster of the 30th, the Resolution was laid on the table.

Mr. Throckmorton offered the following resolution:

Resolved, That the Chief Clerk, with the consent of the Speaker, be authorized to procure such additional clerical assistance as may from time to time be absolutely necessary.

The resolution laid over under the Rules.

Mr. Browne offered the following resolution, which was adopted:

Resolved, That the regular hours of meeting of this House shall be 10 o'clock A. M. and 2 o'clock P. M. until otherwise ordered.

Messrs. from the Senate:

Mr. Speaker:—I am directed by the Senate, to inform your honorable body, that the Senate has passed the following resolution, and requests the concurrence of the House therein.

Resolved, By the Senate, (the House concurring) that there be and is hereby ordered to be printed, for the use of the Senate and House of Representatives, 5,000 copies of the Governor's Message in English, and 1000 copies in German.

On motion, the House adjourned.

MORNING SESSION.

THURSDAY, JAN. 12, 1865, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Abraham, Cavender, Callen, Combs, Fry, Foster of the 63d, Payne, Rice and Russell.

Prayer by the Rev. Mr. Hawley.

Journal of yesterday read, corrected and approved.

Mr. Strong, from the Committee on the Apportionment of the Governor's Message, made the following report:

MR. SPEAKER:—Your Committee appointed to apportion the

recommendations of the Governor's Message to the several committees would recommend.

1st. That so much thereof as refers to modifications of existing laws be referred to Committee on Judiciary.

2d. That the portions recommending appropriations, be referred to Committee on Ways and Means.

3d. That so much as relates to economy in public expenditures, be referred to the Committee on Retrenchments and Reform.

4th. That the portion relating to troops furnished by the State to the General Government be referred to the Committee on Federal Relations.

5th. That the part transmitting the Report of the Secretary of State, and referring to lands conferred to the State for University purposes be referred to the Committee on Public Institutions; for Public Buildings, to the Committee on Public Buildings, and for Schools, to the Committee on Education.

6th. That that portion transmitting abstract of report of the State Geologist, be referred to the Committee on Agriculture and Manufactures.

7th. That that part relating to immigration be referred to Committee on Retrenchments and Reform.

8th. That the portion transmitting the Report of Directors of the State Penitentiary, be referred to the Committee on Retrenchment and Reform.

N. Z. STRONG,
Chairman.

Mr. Broadhead moved that the report be adopted.

Carried.

Mr. Broadhead moved a reconsideration of the Resolution of yesterday, relative to ordering the printing of the Governor's Message.

Carried.

On motion, the Resolution was laid on the table.

Mr. Broadhead moved to concur in Resolution of the Senate, relating to the printing of the Governor's Message.

Carried.

Mr. Broadhead offered the following resolution.

Resolved, That the Standing Committee on Rail Roads consist of nine members of the House.

Mr. Page moved that the Rules be suspended for the consideration of the Resolution.

Carried.

Mr. Fletcher moved to strike out *also* and insert *thirteen*.

And the original Resolution was adopted.

Mr. Koster of the 30th, offered the following resolution, which was adopted:

Resolved, That the Committee on Federal Relations be and are hereby instructed to inquire into and report to this House, what number of men, if any, are due from Kansas on the late call of the President of the United States for three hundred thousand men, and whether or not Kansas is in excess of her quota of men on all calls.

Mr. Leonard offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to have made all necessary repairs of Desks, Drawers, Locks, Keys, and any other furniture that may be necessary for the convenience of the members of the House.

Mr. Glick of the 31st, offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be directed to put up a state in the northwest corner of the Hall.

Mr. Cook offered the following resolution:

Resolved, That there be no smoking in this Hall during Session hours.

Mr. Page moved that the Resolution be laid on the table.

The Resolution laid over under the rules.

The Resolution, of yesterday, relating to clerical assistance, was taken up.

Mr. Glick of the 6th, moved that the Resolution be indefinitely postponed.

Carried.

Mr. Glick of the 6th offered the following resolution, which was adopted:

Resolved, That the Chief Clerk of the House shall have the right and power to order any clerk of this House to aid the other clerks in the discharge of their duties, when not employed in the special duties of his particular office.

Mr. Glick of the 6th, presented petition of George Ball, and forty-five other citizens of Atchison County, praying for the location of a certain State road.

Referred to Committee on Roads and Highways.

Also, petition of David Earhart and fifty-six other citizens of Atchison County, praying for the location of a certain State road.

Referred to Committee on Roads and Highways.

Also, petition of — Pittman, and forty-four other citizens of Atchison County, praying for the location of a State road.

Referred to Committee on Roads and Highways.

Mr. Glick of the 31st, introduced House Bill No. 3, an act to amend an act entitled "An Act to incorporate and establish the city of Wyandotte, Kansas.

Read first time.

Mr. Spencer introduced House Bill No. 4, An Act in reference to a certain State road.

Read first time.

Mr. Broadhead introduced House Bill No. 5, An Act to repeal an act to abolish Grand Juries, &c.

Read first time.

Mr. Swift introduced House Bill No. 6, An Act to amend an act entitled "An Act to amend and consolidate the several acts relating to the City of Lawrence." Approved February 27th, 1860, and the acts amendatory and supplementary thereto.

Read first time.

The rules were suspended and House Bill No. 1, was read a second time, and referred to Committee on Federal Relations.

House Bill No. 2, read a second time and referred to a special committee, consisting of Mr. Glick of the 6th.

By consent, Mr. Perry introduced the following resolution, which was adopted:

Resolved, That each and every person admitted to the floor of this House as reporter for any newspaper, shall be and is hereby required to report his name, and the paper for which he is reporter to the Clerk, to be entered on the Journal.

Mr. Strong offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed to invite the Governor, and other State officers, the Judge of the U. S. District Court, officers in military employ, Clergymen and ladies to seats in

the House, during the election of a U. S. Senator, this afternoon.

Mr. Broadhead introduced the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be instructed to confer with the Sergeant-at-Arms of the Senate, and provide seats for the Senators during the election of U. S. Senator.

On motion, the House adjourned.

AFTERNOON SESSION.

2 o'clock, P. M.

House called to order.

Speaker in the chair.

Hall called.

Quorum present.

Mr. Strong offered the following resolution which was adopted:

Resolved, That the Chief Clerk be instructed to notify the Senate that the House is prepared to go into Joint Session, for the election of a United States Senator for six years from the 4th day of March, 1865.

Mr. Strong offered the following resolution, which was adopted:

Resolved, That contestants for seats in either house of the Legislature be invited to seats within the bar during the Joint Session.

The hour of the meeting of the two Houses of the Legislature

for Joint Convention having arrived, the members of the Senate appeared upon the floor of the House, whereupon the House went into Joint Session.

ELECTION OF A UNITED STATES SENATOR

The Joint Convention of the Senate and House of Representatives met at 2 o'clock P. M., on Thursday, January 12th, 1865, for the purpose of electing a United States Senator for the State of Kansas, and was called to order by James McGrew, President of the Senate.

Prayer by the Rev. Mr. Fisher.

The Senate roll was called, and 22 Senators answered to their names.

Absentees—Messrs. Barbour, Drenning and Lockwood.

The House roll was called, and 77 members answered to their names.

The reading of Senate Concurrent Resolution No. 1, was called for, and by consent, read by the Secretary of the Senate.

Mr. Potter offered the following resolution, and moved its adoption:

Resolved, That the Joint Convention now proceed to the election of a United States Senator for the term commencing March 4th, 1865, pursuant to the Concurrent Resolution, under which the Convention has met.

A call of the Senate roll was had, with the following result:

Those Senators voting for the Resolution were—

Messrs. Bartlett, Colton, Danford, Eskridge, Foote, Gamble, Grover, Houston, Horné, Jones, Lane, Legate, Manning, Melhoan, Murphy, Potter, Quigg, Speer of Brown, Speer of Douglas, Smith, Twiss and Weer.—22.

The House roll was called with the following result:
 Those members voting for the Resolution of Mr. Potter were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell of the 51st, Gavender, Christy, Church, Cook, Coffinberry, Clearinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster of the 30th, Foster of the 63d, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Jordan, Kurr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Salisbury, Seudder, Shephard, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker of the House—77 members.

And so the resolution was adopted.

Mr. Speer, Senator from Douglas, nominated Hon. James H. Lane, of Lawrence, for United States Senator, from the State of Kansas, for the term of six years from the 4th of March, 1865.

Mr. Campbell, of the House, nominated Mr. W. Y. Roberts.

Mr. Atwood, of the House, nominated C. B. Brace.

Mr. Roster, of the House, nominated W. C. McDowell.

Mr. Fletcher, of the House, nominated Col. W. A. Phillips.

The convention proceeded to vote *vice voce*, for United States Senator.

The roll of the Senate being called by the Secretary of the Senate, and the roll of the House being called by the Chief Clerk of the House.

Those Senators voting for James H. Lane were—

Messrs. Bartlett, Colton, Danford, Eskridge, Foote, Gamble,

Grover, Houston, Horne, Jones, Land, Legate, Manning, Matheson, Murphy, Potter, Quigg, Speer of Brown, Speer of Douglas and Twiss.—21.

Those Representatives voted for James H. Lane were—

Messrs. Abraham, Benton, Browne, Campbell of the 51st, Candler, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Fairchild, Foster of the 63d, Finn, Griswold, Hanway, Harvey, Hendricks, Houts, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Scudder, Shepherd, Snyder, Sutherland, Smith, Storch, Stafford, Strong, Stewart, Spencer, Swift, Throckmorton, Wells, West and Mr. Speaker of the House.—61.

Mr. Broadhead was excused from voting.

Senator Smith and Messrs. Deitrick, Fletcher, Goss, Hodgson, Russell and Stratton, of the House, (7) voted for Col. W. A. Phillips.

Messrs. Foster of the 30th, Gwansney, Jordan, and O'Brien, of the House, voted for Mr. W. C. McDowell.

Messrs. Atwood and Salisbury, of the House, voted for C. B. Brace.

Messrs. Campbell of the 33d, and Glick of the 31st, of the House voted for W. Y. Roberts.

Mr. Glick of the 6th, of the House, voted for Gen. B. M. Hughes.

The President announced that the Secretary of the Senate and Clerk of the House agreed upon the tally and report.

The whole number of votes cast was 98, of which

J. H. LANE	received	82	votes.
W. A. PHILLIPS	"	7	"
W. C. McDOWELL	"	4	"
C. B. BRACE	"	2	"
W. Y. ROBERTS	"	2	"
B. M. HUGHES	"	1	"
Total		98	"

The President of the Senate announced that James H. Lane having received 82 votes, being a majority of all the members of the Legislature elect, is declared duly elected United States Senator for the State of Kansas for six years from the 4th of March, 1865.

On motion, of Mr. Potter, the Joint Convention adjourned *sine die*.

The time of the Joint Session having expired the House re-assembled, and in accordance with the Joint Rules of the Senate and House of Representatives, the Speaker presented the following certificate:

We hereby certify that the two Houses of the Legislature of the State of Kansas, met in Joint Convention in the Hall of the House of Representatives, on Thursday the 12th day of January, A. D. 1865, and then and there elected Hon. James H. Lane, of Douglas county, Kansas, United States Senator from the State of Kansas for (6) six years from March 4th, 1865. He having received eighty-two (82) votes, a majority of all the members of the Legislature elect of the State of Kansas.

JAMES MCGREW, *President of the Senate.*

JACOB STOTLER, *Speaker of the House of Rep.*

On motion, the House adjourned.

MORNING SESSION.

TOPEKA, JAN. 13, 1865, 10 O'CLOCK A. M.

House called to order.

Speaker in the chair.

Prayer by Father De Pour.

Roll called.

Quorum present.

Absentees—Messrs. Church, Harvey, Houts, O'Brien, Perry and Throckmorton.

By consent the reading of the Journal was postponed.

The Chair announced the following committees:

Judiciary.

Messrs. Glick of the 6th, Broadhead, Strong, Callen, Finn, Russell and Foster of the 30th.

Ways and Means.

Messrs. Strong, Swift, Cook, Atwood, Leland, Cavender and Glick of the 31st.

Retrenchment and Reform.

Messrs. Swift, Abraham, Church, Payne and Hughes.

Rail Roads.

Messrs. Throckmorton, Glick of the 31st, Benton, Smith, Swift, Strong, Callen, Sammons and Macdonald.

Federal Relations.

Messrs. Broadhead, Griswold, Leonard, Gwartney and Mize.

Banks and Currency.

Messrs. Fairchild, Mead, Stewart, Browne and Kennedy.

Corporations.

Messrs. Shepherd, Stratton, Houts, Wells and Jordan.

Internal Improvements.

Messrs. Spencer, Leland, Perry, Darby and Salisbury.

Public Institutions.

Messrs. Macdonald, Smith, Campbell of the 33d, Rawlings and Loomis.

Public Buildings.

Messrs. Benton, Fletcher, Page, Draper and Hodgson.

Public Lands.

Messrs. Lowe, Coffinberry, Karr, Campbell 61st, and Mead.

Elections.

Messrs. Riddle, Sutherland, Cleavinger, Stratton and Loomis.

Militia.

Messrs. Houts, Snyder, Russell, O'Brien and Harvey.

Education.

Messrs. Craig, Billie, Spencer, Harvey and Hanway.

Roads and Highways.

Messrs. Sutherland, Lowe, Griswold, Foster of the 33d and McLellan.

Printing.

Messrs. Riddle, Swift, Deitrick, Macdonald and O'Brien.

Fee and Salaries.

Messrs. Hanway, Kennedy, Hughes, Atwood and Snyder.

Counties.

Messrs. Finn, Mize, Scudder, Storch and Rogers.

County Lines and County Seats.

Messrs. Page, Martindale, Benton, Fletcher and Dutton.

Agriculture and Manufactures.

Messrs. Martindale, Sammons, Payne, West and Abraham.

Claims.

Messrs. Morrow, Foster of the 30th, Cook, Kohler and Karr.

Accounts.

Messrs. O'Brien, Perry, Shepherd, Goss, Scudder.

Engrossed Bills.

Messrs. Browne, Coffinberry, Darby, Leonard and Stafford.

Enrolled Bills.

Messrs. Rice, Fairchild, Hendricks, West and Christy.

State Library.

Messrs. Dillie, Hendricks, McLellan, Craig and Church.

Mr. Glick of the 31st, presented the following account, which was referred to the Committee on Accounts:

The Territory and State of Kansas

1859.

To J. M. Funk, Jr.

July 29. For services as Door-Keeper of the Wyandotte Constitutional Convention,	\$75 00
Interest from date,	41 25

Total	\$116 25
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Personally appeared before me, J. M. Funk, who being first duly sworn according to law, deposeth and saith that the account is just and true, and that it has not been paid or any part of it to this deponent, or any other person as this deponent verily believes, and that

the certificate obtained from J. M. Winchell and G. F. Warren, President and Sergeant-at-Arms of said convention, was by me lost or mislaid, so that it cannot be found, and that this deponent did not sell or in any way dispose of said certificate to any person or persons whomsoever.

Signed

J. M. FUNK.

Sworn to, and subscribed before me this 5th day of January, A. D. 1865.

M. B. NEWMAN,

Justice of the Peace.

Mr. Riddle, from the Committee on Printing, made the following report :

MR. SPEAKER:—Your committee to whom was referred the resolution in reference to subscribing for daily papers for the use of the members, would report it back without amendment, filling the blank by inserting \$3,00.

Mr. Russell moved to amend by striking out \$3,00 and inserting \$2,50.

Mr. Campbell of the 33d, moved an amendment by striking out \$2,50 and inserting, \$2,00.

Mr. Foster of the 30th, moved to lay on the table, which was lost.

The question recurring on the amendment to the amendment was lost.

Roll call with the following result :

Those gentlemen voting aye were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Dutton, Dillie, Draper, Fairchild, Finn, Foster of the 30th, Foster of the 63d, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Jordan, Karr,

Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Martindale, Mead, Mize, Morrow, McLellan, Page, Payne, Perry, Rawlings, Rice, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, West, and Mr. Speaker.

Those gentlemen voting nay, were—

Messrs. Craig, Deitrick, O'Brien, Riddle, Rogers, Swift and Wells.

The amendment carried and the Resolution as amended was adopted.

Mr. Glick of the 6th, from special Committee on House Bill No. 2, made the following report:

MR. SPEAKER:—Your committee to whom was referred House Bill No. 2, entitled An Act to establish a Road, have had the same under consideration, and beg leave to report a substitute therefor, and recommend the passage of the same.

G. W. GLICK.

Mr. Glick of the 6th, moved to suspend the rules and consider House Bill No. 2 engrossed and put upon its third reading.

Carried.

The Bill was read the third time.

The question recurring upon the passage of the Bill, the roll was called with the following result:

Those gentlemen voting aye were—

Messrs. Abraham, Atwood, Benton, Broadhead, Brown, Callen, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster of the 30th, Foster of the 63d, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Gris-

wold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Jordon, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, MacDonald, Martindale, Mead, Mize, Morrow, McLellan, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Theobald, Wells, West, and Mr. Speaker.—Ayes 74.

And so the bill passed.

The title was agreed to.

Mr. Strong, from Special Committee, made the following report, which was adopted :

MR. SPEAKER :—The Committee appointed to invite the State officers and others to seats within the bar of this House, during the Joint Session for the election of U. S. Senator at 2 o'clock P. M., January 12th, 1865, respectfully report that in accordance with the spirit of resolution under which they were appointed, they extended personal invitations to the several State officers, to the Justices of the Supreme and District Courts, to the Department and District commanders with their staff officers, to the Hon. ex-Governor Carney, and the Hon. T. A. Osborn, United State Marshal for this State,

N. Z. STRONG,

Chairman.

Message from the Senate :

MR. SPEAKER :—I am directed by the Senate to inform your Honorable body that the Senate have passed the following Concurrent Resolution :

Resolved, By the Senate, the House concurring, that 500 copies in stitched pamphlet form of the report of the Secretary of State; the report of the State Treasurer, Auditor, and Superintendent of Public Instruction for 1865, be printed and furnished the Legislature as early as day as possible.

A. L. DEVENNEY,

Secretary of the Senate.

Mr. Craig offered the following Concurrent Resolution:

WHEREAS, The last session of the Legislature of Kansas, while the nomination of the Hon. Mark W. Delahay, for Judge of the District Court of the U. S. for the District of Kansas, was pending for confirmation before the Senate of the United States, did pass certain resolutions, protesting against such confirmation in terms highly disrespectful and offensive, not only to Judge Delahay, but also by implication to the President of the United States who had nominated him for that office, not on the information of others as to his worth, or ability, but upon a long and intimate personal acquaintance;

And whereas, the Senate did confirm said nomination, said resolution to the contrary notwithstanding, and whereas, Judge Delahay since his appointment, has performed the duties of his office with that ability and impartiality which has silenced his opposers, and fully vindicated the President and Senate in reference to his nomination and confirmation;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring, that the word expunged be written across said Resolutions where they appear on the records of the last session of the Legislature, and that a copy of this preamble and resolution be delivered to Mark W. Delahay and be sent to the President of the United States, the presiding officer of each House being hereby charged with the execution of this Resolution.

Mr. Strong moved to suspend the rules for the consideration of the Concurrent Resolution, upon which the ayes and noes were demanded, and taken with the following result:

Those gentlemen voting aye were—

Messrs. Benton, Callen, Campbell of the 51st, Cavender, Christy, Cook, Cleavinger, Craig, Darby, Dutton, Draper, Finn, Foster of the 63d, Harvey, Hughes, Karr, Kennedy, Leonard, Lowe, MacDonald, Martindale, Mead, Mize, Morrow, McLellan, Page, Rawlings, Riddle, Rice, Sammons, Scudder, Smith, Storch, Stafford Strong, Swift, Throckmorton, Wells and Mr. Speaker.

Those gentlemen voting nay were—

Messrs. Abraham, Atwood, Broadhead, Browne, Campbell of the 33d, Church, Coffinberry, Deitrick, Fairchild, Foster of the 30th, Glick of the 31st, Goss, Gwartney, Hendricks, Hodgson, Jordan, Kohler, Leland, Loomis, O'Brien, Payne, Rogers, Russell, Salisbury, Shepherd, Spencer, Snyder, Sutherland, Stratton, Stewart and West.

And so the motion was lost.

Mr Broadhead offered the following resolution:

Resolved, That we now adjourn until 10 o'clock A. M. of to-morrow, that this Hall may be suitably prepared for the Senatorial Banquet this evening.

Mr. Page offered the following substitute:

Resolved, That when this House adjourn it adjourns to meet to-morrow morning at 10 o'clock.

Mr. Strong moved to amend by striking out to-morrow and inserting Monday.

Carried.

And the substitute as amended was adopted.

Mr. Harvey introduced House Concurrent Resolution No. 1, to protect the western border.

Referred to Committee on Federal Relations.

Mr. Callen offered House Concurrent Resolution No. 2, relating to the payment of the Kansas Militia.

Referred to the Committee on Federal Relations.

Mr. Smith offered House Concurrent Resolution No. 3, relating to the printing of the Governor's Message in German, which was

Referred to Committee on Printing.

Mr. Page offered the following resolution, which was

Referred to Committee on Accounts.

Resolved, That the clergymen of this city who open our morning sessions with prayer, receive the per diem of a member for each day that he so serves.

Mr. Wells offered Concurrent Resolution No. 4, relating to over-land travel and settlers on the frontier, which was

Referred to Committee on Federal Relations.

Mr. Russell moved to suspend the reading of resolutions of previous day.

Carried.

Mr. Russell introduced the following Bills:

House Bill No. 7, "An act relating to costs in Criminal Suits."

Read first time.

House Bill No. 8, "An act concerning liabilities of Hotel Keepers."

Read first time.

House Bill No. 9, "An act for the relief of persons holding duplicates or receipts from the Registers and Receivers of the Land Offices of the United States which have been assigned to the holders thereof, and providing for the recording of the same."

Read first time.

House Bill No. 10, "An act to confer local Legislation on Boards of County Commissioners."

Read first time.

House Bill No. 11, "An act to limit the time within which to present claims against a City or County."

Read first time.

House Bill No. 12, an act supplemental to "An act entitled an act in relation to Marriage."

Read first time.

House Bill No. 13, "An act to amend an act defining the power and duties of State officers."

Read first time.

Mr. Glick of the 31st, introduced House Bill No. 14, "An act concerning Shawnee Indian land titles."

Read first time."

Mr. Atwood introduced House Bill No. 15. "An act to amend an act entitled an act to incorporate the Leavenworth City Rail Road Company."

Read first time.

Also, House Bill No. 16, "An act to meet the salaries and expenses of the Territorial-Superintendent of Common Schools."

Read first time.

Mr. Spencer introduced House Bill No. 17. "An act in relation to the election of County Commissioners."

Read first time.

Mr. Russell moved to suspend the rules and order Bills read first time to a second reading.

Carried.

House Bill No. 7, read second time, and

~~Referred to Committee on Judiciary.~~

House Bill No. 8, read second time, and

Referred to Committee on Judiciary.

House Bill No. 9, read second time, and

Referred to Committee on Judiciary.

House Bill No. 10, read second time, and

Referred to Committee on Judiciary.

House Bill No. 11, read second time, and

Referred to Committee on Judiciary.

House Bill No. 12, read second time, and

Referred to Committee on Judiciary.

House Bill No. 13, read second time, and

Referred to Committee on Judiciary.

House Bill No. 14, read second time, and

Referred to Committee on Federal Relations.

House Bill No. 15, read second time, and

Referred to Committee on Corporations.

House Bill No. 16, read second time, and

Referred to Committee on Fees and Salaries.

House Bill No. 17, read second time, and

Referred to Committee on Judiciary.

House Bill No. 3, read second time, and by consent

Referred to Special Committee, consisting of Mr. Glick of the Stst,

House Bill No. 4, read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 5, read second time, and

Referred to Committee on Judiciary.

House Bill No. 6, read second time, and

Referred to Committee on Corporations.

Mr. Page offered the following resolution, which was adopted:

Resolved, That the use of this Hall be granted to the managers of the Banquet this evening.

The Speaker announced the following telegram which was read by the Clerk, and

Referred to the Committee on Federal Relations.

LAWRENCE, January 11th, 1865.

To the Speaker of the General Assembly, Topeka:

By mail from Lawrence,—by telegraph from Jefferson City.

The General Assembly of Free Missouri sends greeting.

Signed

SENATOR VAN HORN,
HON. A. J. MERRILL.

On motion, the House adjourned until Monday morning.

MORNING SESSION.

TOMPKA, JAN. 16, 1865, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Abraham, Lowe, Morrow, Rawlings, Russell and Swift.

Journal of Friday read and approved.

Mr. Foster of 30th, presented Petition of Messrs. Barney, Coffee, Robinson, Kelly and others, to change the county lines between Leavenworth and Wyandette counties.

Referred to Committee on Judiciary.

Mr. Glick of the 6th, presented Petition of Messrs. Naylor and eleven other citizens of Atchison County, praying for the location of a State road.

Referred to Committee on Roads and Highways.

Mr. Fletcher presented Petition of R. Stees and others praying for the location of a State Road.

Referred to Committee on Roads and Highways.

Mr. Hanway, from the Committee on Fees and Salaries, made the following report :

MR. SPEAKER:—Your Committee to whom was referred Bill No. 16, entitled "An act to meet the salary and expenses of the

Territorial Superintendent of Common Schools," have had the same under consideration, and instruct me to recommend its passage.

JAMES HANWAY,

Chairman.

On motion of Mr. Russell, it was referred to Committee on Claims.

Mr. Riddle, from the Committee on Elections, make the following reports:

MR. SPEAKER:—The Committee on Elections beg leave to report as follows: in the case of Jonathan Foster versus Joel Moody in the 63d Representative District, in the State of Kansas, are in favor of admitting Joel Moody to a seat in this House.

ROBERT RIDDLE,

Chairman.

MR. SPEAKER:—Your Committee on Elections made the following report in the contested case in the 26th District, report that J. Mize is entitled to a seat in this House. **ROBERT RIDDLE,**

Chairman.

Mr. Russell moved to take up reports of Committee at 2 o'clock to-morrow.

Mr. Foster moved to amend by making reports of Committee special order for 2 o'clock this evening.

Carried.

Mr. Broadhead moved, that when the case comes up, the contestants be invited to seats within the bar, and that they be permitted to appear in person or by attorney.

Carried.

Mr. Glick, from the Committee on Judiciary, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 17, entitled "An act in relation to the election of County

Commissioners," have had the same under consideration, and find that it is in conflict with Section 3, Article 9, of our Constitution, and therefore recommend its rejection.

G. W. GLICK,

Chairman.

REPORT.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 11, entitled "An act to limit the time within which to present Claims against a City or County," have had the same under consideration, and have directed me to report the same back and recommend its passage with the following amendments, to wit:—strike out the word "payment" in the first line.

G. W. GLICK,

Chairman.

REPORT.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 9, "An act for the relief of persons holding Duplicates, Receipts, &c.," have directed me to report the same back, and recommend its rejection, because the subject matter of the Bill is already provided for by law.

G. W. GLICK,

Chairman.

REPORT.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 8, entitled "An act concerning liabilities of Hotel Keepers," have had the same under consideration, and a majority of the Committee have directed me to report the same back, and recommend its passage.

G. W. GLICK,

Chairman.

REPORT.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 7, entitled "An act relating to Costs in Criminal cases," find that the subject matter of the bill, is provided for by a similar law now in force, and the Committee beg leave to report the Bill back, and recommend its rejection.

G. W. GLICK,

Chairman.

REPORT.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 5, entitled "An act to repeal an act to establish Grand Juries, &c.," have had the same under consideration, and have directed me to report the same back, and recommend its passage.

G. W. GLICK,

Chairman.

Mr. Broadhead, from Committee on Federal Relations, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred Concurrent Resolution, providing for the protection of the Western Frontier, recommend its passage with the following amendments: after the words "for the western" strike out "frontier," and insert "South Western Frontiers."

J. F. BROADHEAD,

Chairman.

REPORT.

MR. SPEAKER:—Your Committee to whom was referred the telegram from the Governor, announcing the abolishment of slavery in Missouri, beg leave to recommend the passage of the following Concurrent Resolution pertaining thereto.

Mr. Glick of the 31st, Chairman of Special Committee, made the following

REPORT.

MR. SPEAKER:—Your Special Committee to whom was referred House Bill No. 3, reports that given the same his careful consideration, and reports the same back to the House, and asks the passage of the same. All of which is respectfully submitted.

G. S. GLICK,

Chairman.

Mr. Broadhead, from the Committee on Federal Relations, made the following report:

MR. SPEAKER:—Your Committee to whom was referred "An act concerning Shawnee Indian Lands," beg leave to recommend its passage with the following amendments:

- 1st. Strike out of the entitling clause the word "Shawnee."
- 2d. After the words all members of (in section 1) strike out "Shawnee Tribe," and insert Tribes.
- 3d. Strike out the word "Shawnee" in section 2.

Mr. Glick of the 6th, offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be directed to procure from the Secretary of State, one copy of Compiled Laws of 1863 and 1864, for the use of the Judiciary Committee, and also a table and desk and chairs to be placed in the office of the Attorney General, for the use of said Committee.

Mr. Cook offered the following resolution, which was adopted:

Resolved, That the use of this Hall be granted to Dr. King tomorrow evening, to deliver a Literary lecture.

Mr. Leonard offered the following resolution:

Resolved, That each clerk now elected by the House, shall have the right to select competent clerks or assistants whenever the amount of labor is too great to be performed by each and demands such assistants.

Mr. Russell moved to lay the Resolution on the table.

Carried.

Mr. Russell offered the following resolution, which was adopted:

Resolved, That the use of the Hall be granted the State Agricultural Society each Wednesday evening during the session, unless the House shall otherwise order.

Mr. Glick of the 6th, offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms be directed to keep this Hall warmed and lighted evenings for the use of members of the House.

Mr. Storch offered the following resolution :

Resolved, That the Sergeant-at-Arms procure one copy of Gunn & Mitchell's latest maps of Kansas for each member of the House, at one dollar and twenty-five cents per copy.

Mr. Callen moved to amend by strikingout \$1.25 and insert \$1.00.

Carried.

Mr. Strong moved to suspend the rules.

Carried.

Mr. Campbell of the 33d, moved that it be referred to Committee on Retrenchment and Reform.

Lost, and the original Resolution was adopted.

Mr. O'Brien offered the following resolution :

Resolved, That no member or officer of this House be allowed to carry fire-arms in this Hall during the session of this House.

Adopted.

Mr. Darby offered the following resolution, which was adopted :

Resolved, That that part of the Governor's Message which relates to the taking the census for 1865, be referred to a select Committee of five.

Mr. Rice offered the following resolution :

Resolved, For the purpose of expediting business that all Bills presented at this session of the Legislature, except the general appropriation Bill for the current expenses for the year A. D. 1865, shall be presented on or before the first day of February next.

On motion of Mr. Glick of the 6th, the resolution was indefinitely postponed.

The Speaker appointed the following committee on the apportionment of the Governor's Message relating to census:

Messrs. Darby, O'Brien, Leland, Stafford and Mead.

On motion, the Resolution relating to Smoking, was taken up.

Mr. Broadhead moved the Resolution be indefinitely postponed.

Lost.

The question recurring upon the adoption of the Resolution,

Mr. Broadhead moved to amend by prohibiting Chewing and Smoking.

Lost, and the original Resolution was adopted.

Concurrent Resolution, in relation to Overland travel and the Settlers upon the Frontier, was taken up.

Mr. Glick, of the 6th, moved to suspend the rules for the consideration of the Concurrent Resolution.

Mr. Callen moved that the words, New Mexico, be inserted in the Resolution.

Adopted.

The question being upon the Resolution as amended,

Adopted.

Mr. Strong moved to suspend the reading of Concurrent Resolution, relating to expunging resolutions of previous Legislature on appointment of District Judge, and that it be postponed until tomorrow at 2 o'clock P. M.

Carried.

Mr. Glick of the 6th, introduced House Bill No. 18, "An act authorizing Atchison, Doniphan and Jackson Counties to issue Bonds for the purpose of building two Bridges."

Read first time.

Mr. Campbell of the 33d, introduced House Bill No. 19, "An act concerning the duties of County Treasurers."

Read first time.

Mr. Barry introduced House Bill No. 20, "An act to establish a certain Road from Marysville, Marshall County, Kansas, to a point on the Republican River, via Washington, Washington county, Kansas."

Read first time.

Mr. Craig introduced House Bill No. 21, "An act in relation to the Deaf and Dumb."

Read first time.

Mr. Browne introduced House Bill No. 22, a Bill to establish a certain Road.

Read first time.

Also, House Bill No. 23, a Bill to amend the basis of taxation.

Read first time.

Mr. Williams introduced House Bill No. 24, an act to amend an act entitled "An act to amend the basis of taxation to issue Bonds."

Read first time.

Mr. Canon introduced the following Bills:

House Bill No. 25, an act to amend an act entitled "An act

relating to 'Costs in Criminal Cases.'

Read first time.

Also, House Bill No. 26, "An act detaching the counties of Saline, Dickinson and Ottawa from the county of Davis, and attaching the counties of Dickinson and Ottawa to the county of Saline.

Read first time.

Also, House Bill No. 27, an act to amend an act entitled "An act supplemental to an act to provide for the assessment and collection of taxes."

Read first time.

Mr. Broadhead introduced House Bill No. 28, "An act to repeal section 13 of an act pertaining to County Attorneys."

Read first time.

Mr. Houts introduced House Bill No. 29, "An act to create and regulate Mechanical, Manufacturing, Mining and Quarrying Companies."

Read first time.

Mr. West introduced House Bill No. 30, an act to amend an act entitled "An act regulating Enclosures."

Read first time.

Mr. Kohler introduced House Bill No. 31, "An act to establish a State road from Jackson City to Madison County."

Read first time.

Mr. Glick of the 31st introduced House Bill No. 32, "An act to repeal section 15 of an act defining the duties of Justices of the Peace in cases of a breach of the Peace.

Read first time.

HOUSE JOURNAL

Mr. [Name] introduced House Bill No. 32, "An act to provide Bounties for Soldiers."

Read first time.

and second time

Mr. [Name] introduced House Bill No. 33, "An act relating to appropriations for educating the Deaf and Dumb children of the State of Kansas for the year 1885."

Referred

Read first time.

House Bill No. 34, "An act to amend an act to provide for the education of the Deaf and Dumb children of the State of Kansas for the year 1885."

Mr. Snyder introduced House Bill No. 35, "An act to amend an act to provide for the education of the Deaf and Dumb children of the State of Kansas for the year 1885."

Read first time.

House Bill No. 36, "An act to establish a State Road."

Mr. Spencer introduced House Bill No. 36, "An act to establish a State Road."

Read first time.

House Bill No. 37, "An act to change a certain State Road."

Mr. Throckmorton introduced House Bill No. 37, "An act to change a certain State Road."

Read first time.

House Bill No. 38, "An act to attach Greenwood to Lyon county for Judicial purposes."

Mr. Martindale introduced House Bill No. 38, "An act to attach Greenwood to Lyon county for Judicial purposes."

Read first time.

House Bill No. 39, "An act to locate a State Road."

Mr. Chandler introduced House Bill, No. 39, "An act to locate a State Road."

Read first time.

House Bill No. 40, "An act making appropriations for the current year of 1885."

Also, House Bill No. 40, "An act making appropriations for the current year of 1885."

Read first time.

House Bill No. 41, "An act to amend an act to provide for the education of the Deaf and Dumb children of the State of Kansas for the year 1885."

By consent, Mr. [Name] introduced Joint Resolution No. 1, to

HOUSE JOURNAL

House Bill No. 17, read second time, and
Referred to Committee on Judiciary.

House Bill No. 18, read second time, and

Referred to Special Committee, consisting of Messrs. Russell, Snyder and McLellan.

House Bill No. 19, read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 20, read second time, and

Referred to Committee on Public Institutions.

House Bill No. 21, read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 22, read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 23, read second time, and

Referred to Special Committee, consisting of Messrs. Hughes and Karr.

House Bill No. 24, read second time, and

Referred to Committee on Judiciary.

House Bill No. 25, read second time, and

Referred to Committee on Judiciary.

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House Bill No. 27, read second time, and

Referred to Committee on Judiciary

House Bill No. 30, read second time, and

Referred to Committee on Agriculture

House Bill No. 31, read second time, and

Referred to Committee on Roads and Highways

House Bill No. 32, read second time, and

Referred to Committee on Judiciary

House Bill No 33, read second time, and

Referred to Committee on Militia

House Bill No. 34, read second time, and

Referred to Committee on Ways and Means

House Bill No. 35, read second time, and

Referred to Committee on Roads and Highways

House Bill No. 36, read second time, and

Referred to Committee on Roads and Highways

House Bill No. 37, read second time, and

Referred to Special Committee, consisting of Messrs. Throck-

House Bill No. 38, read second time, and

Referred to Committee on Judiciary

House Bill No. 39, read second time, and

Referred to Committee on Roads and Highways

HOUSE JOURNAL

House Bill No. 419, introduced this morning, 12 o'clock, P. M.

Referred to Committee on Ways and Means, 12 o'clock, P. M.

Joint Resolution No. 1, read twice, and passed, 12 o'clock, P. M.

Referred to Committee on Federal Lands, 12 o'clock, P. M.

Mr. Gluck of the 6th, offered Resolution of instruction to the Committee on Ways and Means, which was laid over upon the table.

On motion, the House adjourned, 12 o'clock, P. M.

Recess, 12 o'clock, P. M. to 1 o'clock, P. M.

House Bill No. 419, read twice, and passed, 12 o'clock, P. M.

House Bill No. 419, read twice, and passed, 12 o'clock, P. M.

House Bill No. 419, read twice, and passed, 12 o'clock, P. M.

AFTERNOON SESSION

2 o'clock, P. M.

House Bill No. 419, read twice, and passed, 12 o'clock, P. M.

House called to order.

Speaker in the chair.

Speaker in the chair.

House Bill No. 419, read twice, and passed, 12 o'clock, P. M.

Roll called.

Quorum present.

Quorum present.

House Bill No. 419, read twice, and passed, 12 o'clock, P. M.

Special order for this hour was taken up.

House Bill No. 419, read twice, and passed, 12 o'clock, P. M.

Mr. Broadhead moved the adoption of the report of the Committee on Elections, so far as it applied to the 63d District.

House Bill No. 419, read twice, and passed, 12 o'clock, P. M.

Mr. Moody, contestant, appeared on the floor and called for the reading of the notice of contest in the 63d District, and of the depositions and accompanying papers in the case, which are as follows:

Jonathan Foster, of the 63d District, vs. John Moody, of the 63d District.

Sixty-Third Representative District, in the State of Kansas, is hereby notified that I, a qualified voter of said District do, and shall contest his election as a Representative of the State Legislature from the said sixty-third District, held upon the eighth day of November, 1864, upon the following ground, to wit:

That you were not eligible to the said office at the time of your election, being as you then were and still are a Postmaster at Belmont aforesaid, by appointment under the United States.

JOEL MOODY, Contestant.

December 8th, A. D. 1864.

STATE OF KANSAS, } ss.
Woodson County.

Joel Moody, of said county being duly sworn, upon his oath states: That at Belmont, in said county, on the 6th day of December, 1864, he served a statement of which the foregoing is a true copy upon Jonathan Foster, by delivering the same to him personally, and leaving it with him.

JOEL MOODY.

Sworn before me and subscribed in my presence upon this 17th day of December, A. D. 1864.

PERSY GRAVES,

Judge of Probate.

Jonathan Foster, of Belmont, Woodson county, comprising the Sixty-Third Representative District, in the State of Kansas, is hereby notified, that I, a qualified voter of said District, do, and shall contest his election as a Representative to the State Legislature from the said sixty-third District, held upon the eighth day of November, 1864, upon the following grounds, to wit:

That you were not eligible to the said office at the time of your election, being as you then were and now are a Postmaster at Belmont aforesaid by appointment under the United States.

JOEL MOODY, Contestant.

January 9th, 1865.

JOEL MOODY.

JOEL MOODY.

STATE OF KANSAS, } ss. Joel Moody, of Woodson county and State of Kansas, being duly sworn, upon his oath states, that the causes set forth in the foregoing statement are true as he verily believes.

Sworn before me and subscribed in my presence this 9th day of January, 1865.

JOEL MOODY.

ANDREW STARK,

Clerk of the Supreme Court of Kansas.

STATE OF KANSAS, } ss. Joel Moody, of Woodson county, and State of Kansas, being duly sworn, upon his oath states: that at Topeka, in said county of Shawnee, on the 9th day of January, 1865, he served a statement of which the within is a true copy upon Jonathan Foster by delivering the same to him personally and leaving it with him.

Sworn before me and subscribed in my presence upon this 9th day of January, 1865.

JOEL MOODY.

ANDREW STARK,

Clerk of the Supreme Court of Kansas.

In the matter of Jonathan Foster, Incumbent, against Joel Moody, contestant, of his right to a seat in the House of Representatives, from Woodson county, the 63d Representative District in the State of Kansas, under and by virtue of the election of November 9th, 1864.

To the said Jonathan Foster, notice is hereby given that at the office of and before Persy Graves, Judge of Probate in and for said County of Woodson, upon the 23d day of December, 1864, at one o'clock, P. M., I shall commence and from day to day thereafter until the same is completed, shall continue to take the depositions of B. Wheat and others, to be used in evidence upon the hearing of the above entitled contest before the House of Representatives of the State of Kansas at the regular session of the State Legislature in the year A. D. 1865.

JOEL MOODY.

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STATE OF KANSAS, ss.
Woodson County.

Joel Moody of said county being duly sworn according to law upon his oath states that at Belmont, in said county on the 19th day of December, 1864, he served a notice of which the within is a true copy upon Jonathan Foster, by delivering the same to him personally and leaving it with him. JOEL MOODY.

Sworn before me and subscribed in my presence upon this 23d day of December, A. D. 1864. PERRY GRAVES,
Judge of Probate.

In matter of Jonathan Foster, incumbent against Joel Moody, contestant, of his right to a seat in the House of Representatives from Woodson county, the 33d Representative District in the State of Kansas, under and by virtue of the election of November 3d A. D. 1864.

Depositions of witnesses taken to be used in evidence upon the hearing of the above entitled contest, before the House of Representatives of the State of Kansas, at the regular session of the State Legislature in the year 1865, in pursuance of the notice herunto attached, and of the time and place therein stated. The said Joel Moody, contestant, appeared on his own behalf, and Jonathan Foster appeared on his behalf, and thereupon the said Joel Moody produced the following witnesses: B. Wheat, of lawful age, who being first duly affirmed, deposeth and saith:

Ques. Who is Postmaster in Belmont, Woodson County, Kansas?

Ans. Jonathan Foster, to the best of my belief and knowledge.

Ques. How long has he been Postmaster there?

Ans. I have known him to be Postmaster for one year last past.

Ques. Was he Postmaster there on the 8th day of November, 1864?

Ans. He was.

Ques. State your means of knowledge as to the foregoing facts.

Ans. I am mail contractor and frequently carry the mails to Belmont, and frequently have business with him in connection with the Postoffice Department, in which he always signs his name as Jonathan Foster, P. M.

I have also frequently seen him open and distribute the mails as well as his signature to the way bills. I have also a true copy of a way bill over his signature as Postmaster, dated 2nd November, 1864, from Belmont to Leroy, Kansas, which is herewith attached and marked "A".

Ques. Is Jonathan Foster, P. M., at Belmont, Woodson county, Kansas, the same person who is declared elected to the House of Representatives from the 63d Representative District in the State of Kansas by virtue of the election of November 8th, 1864?

Ans. He is. BRUVIN WHEAT.
 Letter from Belmont, Kansas, November 9th, 1864,
 to Leroy, Kansas.
 Paid here by stamp.
 No. 11
 [Signed] J. FOSTER, P. M.

COPY

STATE OF KANSAS, }
 Woodson County. } ss.

I, Perry Graves, Judge of Probate in and for said county of Woodson and State of Kansas, do hereby certify that the within named B. Wheat was by me first duly affirmed to testify to the truth, the whole truth and nothing but the truth, and that the foregoing deposition was reduced to writing by me, that it was written and subscribed in my presence, and that it was taken at the time and place specified in the notice.

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PUBLISHED WEEKLY

In testimony whereof I have hereunto set my hand and affixed the seal of the county this 23d day of December, A. D. 1864.

PERSY GRAVES,
Judge of Probate

STATE OF KANSAS,) ss. Woodson County.
Neosho Falls, Nov. 11th, A. D. 1864.

The Board of County Commissioners met and canvassed the votes cast at the regular election, held on the 8th of November, A. D. 1864, for the election of a Representative for the 63d District, and declare the result to be as follows: Whole number of votes cast for Representative of the 63d District, was one hundred and one, (101) of which Jonathan Foster received 56 votes, and Joel Moody received 45 votes.

We the Board of County Commissioners hereby certify that the above is a true statement of the votes cast, at the said election, held on Tuesday, the 8th day of November, A. D. 1864, for the election of a Representative.

WM. PHILIPS,
Chairman of Board of Commissioners

ATTEST: GEORGE L. WAIT,
County Clerk, Woodson County.

I hereby certify that the above is a true copy of the abstract on file in my office.
GEORGE L. WAIT,
County Clerk.

[HAVE NO SEAL.]

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
TOPEKA, January 9th, 1865.

I, W. W. H. Lawrence, Secretary of State, do hereby certify that the within is a true and correct copy of the original abstract on file in my office.

In testimony whereof I have set my hand and affixed the official seal of my office, the day and year aforesaid.
W. W. H. LAWRENCE,
Secretary of State.

...the ... of ...
 Judge ... on the floor in behalf of Mr. Foster as his attorney.

The question being upon the motion of Mr. Broadhead, to adopt the report of Committee, upon which the ayes and noes were demanded and taken with the following result:

Those gentlemen voting aye, were

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Campbell of 33d, Clumpen of the 51st, Cavender, Christy, Conaberry, Cleavinger, Darby, Decker, Dine, Draper, Farnham, Finn, Foster of the 30th, Fletcher, Glick of the 6th, Glick of 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, House, Hodgson, Jordan, Kennedy, Kohler, Lowe, Loomis, MacDonald, O'Brien, Page, Payne, Riddle, Rogers, Russell, Sams, Salisbury, Scudder, Shepherd, Smith, Speller, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Wall, West, and Mr. Speaker.—59.

Those voting nay, were—

Messrs. Cook, Craig, Dutton, Hughes, Karr, Leonard, Martin, Mead, McLellan, Rice, and Throckmorton.—17.

And so the report of the Committee was adopted.

Mr. Broadhead moved, that Mr. Meady come forward and be sworn in.

Carried.

Mr. Glick of the 6th, offered the following resolution, which was adopted:

Resolved, That Mr. Foster the incumbent from the 63d District, shall be entitled to his mileage and per diem for the time he was acting as a member of this House.

and Mr. Bingham reported that Mr. Bingham's name be placed upon the several Committees in place of Mr. Bingham and upon the roll of the House.

Carried.

The contested case of Mr. Misc versus Kennedy, by consent,

was postponed until to-morrow.

On motion of House adjourned.

EDWARD W. D.

Journal

Journal of the House of Representatives

MORNING SESSION.

Journal of the House of Representatives, January 10, 1883.

Resolved, That the Committee on the Judiciary be authorized to inquire into the conduct of the late Judge John C. Wells, and to report thereon to the House.

Mr. Alward presented a memorial from the Rev. Mr. Alward, of the Methodist Episcopal Church, in relation to the case of the late Judge John C. Wells.

EDWARD W. D.

Prayer by Rev. Mr. Alward.

Journal of yesterday read, corrected and approved.

EDWARD W. D.

Resolved, That the Committee on Accounts.

Resolved, That the Committee on Accounts.

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Chairman.

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1. Mr. Gregory : I have the distinction of having visited Moscow

HOUSE JOURNAL

BILL, No. 26, entitled "An act detaching the counties of Dickinson and Ottawa from the county of Davis, and attaching the counties of Dickinson and Ottawa to the county of Saline," respectfully beg leave to report that they have had the same under consideration, and recommend that the Bill be printed.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 27, entitled an act to amend an act entitled "An act supplemental to an act, to provide for the Assessment and Collection of Taxes," have had the same under consideration, and find that it is in conflict with section 1 of article 11 of the Constitution, in some of its provisions, and therefore recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Special Committee to whom was referred the petition of _____, asking for a change of the County lines of the Counties of Wyandotte and Leavenworth, beg leave to report the same back, and recommend that the prayer be not granted, because it would violate section 1, of article 1 of the Constitution, as the county of Leavenworth has only 300 square miles, and Wyandotte 200 square miles, and the Committee will be discharged from the consideration of the same.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 28, entitled "An act to create and regulate Mechanical, Manufacturing and Quarrying Companies," beg leave to report the same back and recommend that it be referred to the Committee on Agriculture and Manufactures.

G. W. GLICK,

Chairman.

Mr. Russell moved to refer House Bill, No. 29, to Committee on Agriculture and Manufactures.

Carried.

MR. SPEAKER:—Your Committee to whom was referred House

Bill No. 28, entitled "An act to attach Greenwood to Lyon county for judicial purposes," beg leave to report the same back and recommend that it be printed.

G. W. GLICK

Chairman

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 32, entitled "An act to repeal section 15 of an act defining the duties of Justices of the Peace, in cases of a Breach of the Peace," beg leave to report the same back and recommend its rejection.

G. W. GLICK

Chairman

Mr. Riddle, from the Committee on Printing, made the following report:

MR. SPEAKER:—The Committee on Printing, have had under consideration the accompanying House Concurrent Resolution No. 8, and instruct me to report the same back to the House, and recommend its passage with the following amendment: Strike out the words "Kansas Zeitung," and insert "Kansas Radical" in the thereof.

ROBT. RIDDLE

Chairman

Resolved: By the House of Representatives, (the Senate concurring) that the Committee on Printing of both branches, be instructed to contract with the proprietor of the *Kansas Zeitung*, for the printing of such copies of the *Congressional Message*, now have been ordered printed in German, for the use of the *German-Speaking* of this State, and "inserted" in the *Daily Record*. Mr. Broadhead from Committee on Federal Relations, made the following report:

MR. SPEAKER:—Your Committee on Federal Relations, to whom was referred Bill No 1, entitled "An act to prevent enlistments, in this State, upon the quota of any other State," beg leave to recommend its passage with the following amendment: Strike out of section 3 all after the word "passage" and insert publication in the *Daily Record*.

J. F. BROADHEAD

Chairman

Mr. O'Brien, from Committee on Accounts, made the following report :

MR. SPEAKER:—The Committee on Accounts, to whom was referred House Resolution concerning allowance of per diem of members to chaplains, beg leave to report the same back without amendment, and recommend its passage.

T. M. O'BRIEN,
Chairman.

Mr. Shepherd, from Committee on Corporations, made the following report :

MR. SPEAKER:—The Committee on Corporations to whom was referred House Bill No. 6, entitled "An act to amend an act to amend and consolidate the several acts relating to the city of Lawrence, approved February 27th, 1860, and the act amendatory and supplementary thereto, have had the same under consideration. and instruct me to report the same back to the House and recommend its passage.

H. D. SHEPHERD,
Chairman.

Mr. Benton, from Special Committee on Joint Rules, made the following report, which was adopted :

MR. SPEAKER:—Your Special Committee, appointed to act with a like Committee on the part of the Senate, to prepare Joint Rules for both Houses, beg leave to report the following Rules, and recommend their adoption.

M. R. BENTON, *Chairman House Com.,*
C. V. ESKRIDGE, *Chairman Senate Com.*

JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

RULE 1. Each House shall, as soon as organized, report that fact to the other House; and the two Houses shall, by Joint Committee, inform the Governor that they are ready to receive any communication he may have to make.

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RULE 2. Messages from one House to the other, shall be carried by their Clerks respectively, unless the House transmitting the message shall specially direct otherwise.

RULE 3. In Joint Convention of the two Houses, the President of the Senate shall preside.

RULE 4. Each House shall transmit to the other, all papers on which any Bill or Resolution may be founded.

RULE 5. It shall be in the power of either House to amend any amendment made by the other, to any Bill or Resolution.

RULE 6. When a Bill or Resolution, which shall have passed in one House, is rejected in the other, notice thereof shall be given to the House in which the same was passed.

RULE 7. In case of difference between the two Houses, upon any subject of legislation, either House may request a conference, and appoint a committee for that purpose; and the other House shall appoint a similar committee. The committee shall meet at the time and place appointed by the Chairman of the committee on the part of the House requesting such conference. The committees shall confer upon the cause of difference, with a view to arrive at such modifications and amendments as would secure the agreement of both Houses. The report of the committee shall be in writing, and shall be sent to the House assenting to the conference. When such House shall have acted thereon, it shall transmit the same, with the papers relating thereto, to the other, with a message certifying its action thereon.

RULE 8. It shall be in order for either House to recede from any subject matter of difference subsisting between the two Houses, at any time previous to conference, whether the papers on which such difference arose, are before the House receding, formally or informally.

RULE 9. If the two Houses adhere to their disagreement, or if as many as two committees of conference have been appointed, and cannot agree, the bill which is the subject of difference, shall be

deemed lost, and shall not be received in either House during that session.

RULE 10. All Joint Committees and all Committees of Conference, shall consist of three members of the Senate, and five members of the House, unless otherwise specially ordered by Concurrent Resolution.

RULE 11. When a Joint Bill or Concurrent Resolution shall have passed one House, it shall be transmitted to the other, without entering an order on the Journal.

RULE 12. After a Bill or Joint Resolution shall have passed both Houses, it shall be neatly enrolled by the Enrolling Clerk of the House in which it originated.

RULE 13. After a Bill is duly enrolled, it shall be examined by the Joint Committee on Enrolled Bills, who shall carefully compare the Enrolled Bill with the Engrossed Bill, as passed in the two Houses, and correct any errors that may be discovered in the Enrolled Bill, and report forthwith in writing, which report shall be entered on the Journal of the House where the Bill originated. After such examination and report, the committee shall present the Bill to the Speaker of the House for his signature, and to the Chief Clerk, who shall certify on the roll in which House the bill originated, together with the date of the introduction of such bill, and the date of the passage thereof, after which, the committee shall present the bill to the President of the Senate for his signature, and to the Secretary for his certificate. Immediately after a bill is properly signed, the committee shall present it to the Governor for his approval, and report in writing to the House of Representatives and Senate, the day of the week, and date of the month, on which such bill was so presented, which report shall be entered on the Journal of the House.

RULE 14. All Joint Orders, Memorials and Resolutions, which are to be presented to the Governor for his approval, shall be treated in the same manner as Bills.

RULE 15. The committee of each House on Legislative expen-

ditures, the State Library, Enrolled Bills and Printing, shall act jointly, and be considered Joint Committees of the two Houses.

RULE 16. The General Appropriation Bill shall be introduced into the House at least ten days before the close of the session, and passed and sent to the Senate at least five days before the close of the session.

RULE 17. The committee on Ways and Means, of the Senate, and the like committee of the House of Representatives, shall for the purpose of making up the General Appropriation Bill, constitute a Joint Committee, and no item shall be inserted by the committee except in Joint Session.

RULE 18. No Bill, Joint or Concurrent Resolution, shall be printed until so ordered by one or the other House, and when so ordered 150 copies shall be printed for the use of both Houses, and when either House makes an order for such printing, it shall immediately inform the other House of such order, and the other House shall not order the printing of the same document. No extra number of any document shall be printed except it be ordered by a Concurrent Resolution of both Houses.

RULE 19. Orders to print, unexecuted, expire at the close of the session, and no document shall be printed or delivered, after the final adjournment, unless under some law or resolution of the two Houses.

RULE 20. Whenever there shall be an election of officers, by the joint action of the two Houses, the result shall be certified by the President of the Senate and Speaker of the House, and shall be reported by each to their respective Houses; which report shall be entered on the Journal of each, and shall be communicated to the Governor by the Clerks of the two Houses, jointly.

RULE 21. When amendments are made in one House to a Bill or Joint Resolution originating in the other, or where amendments are made in one House, to amendments made in the other, it shall require a vote of a majority of all the members elected

to either House, on the call of the ayes and noes, to adopt said amendment on its final passage.

RULE 22. In Joint Conventions of the two Houses, the previous question shall be in the usual form, and when sustained by a majority of the members present, it shall cut off all debate or amendment, and bring the Convention to a direct vote, but the vote shall be taken on all pending amendments in their order until the main question is reached.

RULE 23. These rules may be changed or suspended, by Concurrent Resolution, on the vote of two-thirds of the members present in each House.

Mr. Throckmorton, from Select Committee, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 37, have had the same under consideration, and direct me to report it back, with a recommendation that it pass.

JOB THROCKMORTON,

Chairman.

Reports of the different State officers were received, and on motion the reading of the same was dispensed with.

Message from the Senate, relating to procuring copies of the *State Record*, was taken up.

Mr. Strong moved that the message be sent back to the Senate, respectfully asking an explanation.

Carried.

Mr. Foster offered the following resolution, which was adopted:

Resolved, That the papers in the contested election case, from the 26th District in Leavenworth county, be sent back to the Committee with instructions to report to this House at 2 o'clock this P. M. 1st. The whole number of votes cast; 2d. The number of votes cast for each candidate inclusive of the soldiers' vote.

Mr. Glick of the 6th, offered the following Resolution :

Resolved, That the Sergeant-at-Arms be directed to procure from S. D. Macdonald & Co., eight copies, of the *Daily State Record*, for each member of the House, upon the same terms and conditions that they are proposed to be furnished by said S. D. Macdonald & Co., to the Senate.

Mr. Glick of the 6th, moved to suspend the rules for the consideration of the Resolution, upon which the ayes and noes were demanded and taken with the following result: Ayes 64, noes 11.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Jordan, Kohler, Leland, Leonard, Lowe, Loomis, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Payne, Perry, Rawlings, Riddle, Rice, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift and Throckmorton.

Those gentlemen voting nay, were—

Messrs. Abraham, Campbell of 33d, Draper, Goss, Kennedy, Martindale, Page, Rogers, Russell, Wells, and Mr. Speaker.

Two-thirds of all the members voting having voted in the affirmative, so the Rules were suspended.

Mr. Broadhead moved to amend by inserting the officers of the House.

Carried.

The question recurring on the adoption of the Resolution the ayes and noes were demanded and taken with the following result: Ayes 62, noes 14.

Those gentlemen voting aye were—

Messrs. Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Fairchild, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Lowe, Loomis, Mead, Morrow, McLellan, Moody, O'Brien, Payne, Perry, Rawlings, Riddle, Rice, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Swift, Throckmorton and West.

Those gentlemen voting nay, were—

Messrs. Abraham, Campbell of the 33d, Deitrick, Draper, Foster, Goss, Loomis, Martindale, Page, Rogers, Russell, Stewart, Wells, and Mr. Speaker.

A majority having voted aye, so the Resolution was adopted.

By consent, Mr. Griswold introduced House Concurrent Resolution, No. 5, relating to the State Library.

Referred to Committee on State Library.

Mr. Fletcher offered the following Resolution:

Resolved, That the Sergeant-at-Arms of the House be instructed to furnish each member of the House with one copy of some Daily paper, during the session, published outside of Topeka—said paper to be selected by the members.

Mr. Strong moved that the resolution be laid on the table.

Carried.

Mr. Martindale offered the following resolution:

Resolved, That the Committee on Roads and Highways, be instructed to embody in one bill, all bills relating to the laying out of State Roads.

Mr. Throckmorton offered the following substitute :

Resolved, That all bills providing for the location of roads be referred to the Committee on Roads and Highways, with instructions to embody all the proposed roads in one bill.

Mr. Glick of the 6th, moved that the substitute be laid on the table.

Carried.

On motion the following Concurrent Resolution No. 6, was taken up, and unanimously adopted :

1. Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, that the State of Kansas, to the State of Missouri, sends greeting, congratulating her for her magnanimity and patriotism. The present generation will reward, and future generations will bless you ; the nation will " rejoice and your people will be glad," that unrequited labor is not known within your borders. No more will there be cause of variance between us ; Nature has made us the same in interests, and we under the blessings of Heaven, have made ourselves alike free.

Brave Missouri ! Kansas feels proud of you—Kansas rejoices with you ; and while we drop a tear for the noble dead who have fallen in the stern conflict for constitutional and human freedom in your midst, we will look forward to a future radiant with hope ; " your country shall be our country, and your God our God."

2. That the Governor of Kansas be requested to forward a copy of these resolutions to the Governor of Missouri.

On motion of Mr. Harvey, the following Concurrent Resolution No. 1, was taken up :

" Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein, that the Representative of the State of Kansas in Congress be requested, and the Senators be instructed to use their influence with the President of the United States, first, to secure for the Western and South-western frontier of

our State, full and ample protection against the tribes of hostile Indians infesting the plains, and the prosecution of an active and vigorous campaign with an adequate force of National troops during the ensuing summer; and, second, to authorize the Governor of the State of Kansas to organize a regiment of Veteran Volunteer Cavalry, to serve for one year, with the view to service in said campaign.

Resolved, further, that his Excellency, the Governor, be requested to transmit copies of this resolution to the Senators and Representative from this State in Congress, and to the President of the United States.

The amendments recommended by the Committee, and incorporated into the resolution, were accepted, and the resolution, as amended, adopted.

Concurrent Resolutions, relating to the Expunging of Resolutions of a previous Legislature, were taken up.

Mr. Foster offered the following additional resolution :

Resolved, That having full confidence in the sound policy and earnest patriotism of M. F. Conway, late Representative in Congress, from the State of Kansas, this House most unqualifiedly condemns the action of the Legislature of 1863, in the adoption of a series of Resolutions, condemnatory of his course and position, whilst a member of Congress from this State.

Mr. Glick of the 31st, introduced the following substitute :

Resolved, by the House of Representatives of the State of Kansas, the Senate concurring therein, that all resolutions of censure heretofore passed by the Legislature of the State of Kansas, reflecting upon Hon. M. W. Delahay and Hon. M. F. Conway, be and the same are hereby expunged from said Legislative Journals.

Mr. Strong moved to lay the substitute on the table, upon which

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the ayes and noes were demanded and taken with the following result: Ayes 64, noes 12.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Cook, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, Page, Payne, Perry, Rawlings, Riddle, Rice, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.—64.

Those gentlemen voting nay, were—

Messrs. Benton, Campbell, of the 33d, Church, Coffinberry, Deitrick, Fletcher, Glick of the 31st, Hendricks, Houts, Jordan, Leonard, O'Brien.—12.

And so the substitute and original resolution were laid on the table.

On motion, the House adjourned.

AFTERNOON SESSION.

2 o'clock, P. M.

House called to order.

Speaker in the chair.

Roll called.

The Speaker announced a communication from Hon. J. H. Lane, containing an excursion invitation to the Legislature and officers, which was read.

By consent, Mr. Benton offered the following Concurrent Resolution, which was laid over under the rules:

Resolved, By the House, the Senate concurring, that a committee of two, on the part of the House, and one on the part of the Senate, be appointed to proceed forthwith to Leavenworth City, to examine the Penitentiary grounds and buildings, and that said committee have full powers to take testimony as to the actual expenditure of money on said building, together with the treatment of prisoners, and everything in relation to the Penitentiary, and report the same to the Legislature at as early a day as practicable.

Mr. Strong offered the following resolution, which was unanimously adopted:

Resolved, That the Right Reverend Bishop Vail be invited to conduct the devotional exercises at the opening of the morning session to-morrow, January 18th, 1865.

Resolved, That the Chief Clerk present the Bishop a copy of the foregoing Resolution in extending the invitation.

Mr. Glick of the 3d, moved that Mr. Byron Judd be invited to a seat within the bar.

Carried.

On motion, Hon. G. A. Crawford and Col. Veale were invited to seats within the bar.

Mr. Riddle, from Committee on Elections, made the following report :

Mr. SPEAKER:—Your Committee to whom was referred back contested case, in District No. 26, on examination of the returns on file in the office of the Secretary of State, find that S. Kennedy has a majority of two votes over J. Mixe, the present incumbent, and do further recommend that said S. Kennedy is entitled to said seat.

R. RIDDLE,

Chairman.

Mr. Broadhead moved that the report be adopted.

Mr. Strong moved that the consideration of the report be postponed until Friday next at 2 P. M.

On motion of Mr. Russell a call of the House was ordered.

Members all present, and further proceedings under the call were dispensed with.

By request, Col. Clarkson made an explanation of the vote and returns of the 26th District.

The question recurring upon the motion to postpone :

The ayes and noes were demanded and taken with the following result : Ayes 45, noes 30.

Those gentlemen voting aye, were—

Messrs. Browne, Callen, Campbell of the 51st, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Finn, Griswold, Harvey, Houts, Hughes, Karr, Kennedy, Kohler, Leonard, Lowe, Macdonald, Martindale, Mead, Morrow, McLellan, Page, Perry, Rawlings, Rice, Sammons, Scudder, Shepherd, Smith,

Sutherland, Storeh, Stafford, Strong, Stewart, Swift, Throckmorton, Wells, West, and Mr. Speaker.

Those gentlemen voting nay, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Campbell, of the 33d, Cavender, Church, Deitrick, Fairchild, Foster, Fletcher, Glick of the 31st, Goss, Gwartney, Hanway, Hendricks, Hodgson, Jordon, Leland, Loomis, Meody, O'Brien, Payne, Riddle, Rogers, Russell, Salisbury, Spencer, Snyder, and Stratton.

So the motion to postpone was adopted.

Message from the Senate.

MR. SPEAKER:—I am directed to inform the House that the Senate have passed the following Concurrent Resolution, No. 11, and ask your concurrence therein.

Resolved, By the Senate, the House of Representatives concurring, that the Committee of the Senate on the Pacific Railroad act in conjunction with the Committee upon the same subject to be appointed, upon the part of the House, and both to be governed by the rules regulating Joint Committees.

A. SMITH DEVENNEY,
Secretary of the Senate.

On motion, the rules were suspended and the Resolution of the Senate, No. 11, was taken up.

Mr. Russell moved as an amendment to the resolution, that the Committee on Railroads from the Senate and House, act as a Joint Committee.

Carried.

The resolution as amended, was adopted.

Message from the Senate:

MR. SPEAKER:—I am directed to inform the House that the

Senate have concurred in House Concurrent Resolutions, No. 1 and No. 6.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Mead moved that the Resolutions relating to expunging of Resolutions of previous Legislature, be taken from the table.

Carried.

Mr. Foster moved the whole subject be indefinitely postponed, upon which the ayes and noes were demanded and taken with the following result: Ayes 8, noes 62.

Those gentlemen voting aye, were—

Messrs. Atwood, Campbell of the 33d, Deitrick, Foster, O'Brien, Payne, Salisbury and Snyder.

Those gentlemen voting nay, were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell, of the 51st, Cavender, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Draper, Fairchild, Finn, Fletcher, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Hendricks, Hodgson, Houts Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, Page, Rawlings, Riddle, Rice, Rogers, Russell, Scudder, Shepherd, Smith, Spencer, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

And so the motion to postpone was lost.

Mr. Strong demanded the previous question.

Mr. Russell claimed the floor.

The chair decided Mr. Russell out of order.

Mr. Russell appealed from the decision of the Chair.

The question being "shall the decision of the Chair be sustain-

ed?" the ayes and noes were demanded and taken with the following result: Ayes 60, noes 14.

Those gentlemen voting aye were—

Messrs. Abraham, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Finn, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martin-dale, Mead, Mize, Morrow, McLellan, Page, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr Speaker.

Those gentlemen voting nay were—

Messrs. Atwood, Benton, Broadhead, Campbell of the 33d, Deitrick, Fairchild, Foster, Glick, of the 31st, Jordon, Moody, O'Brien, Payne, Russell and Stratton.

So the decision of the Chair was sustained.

The question being "shall the main question be now put?"

The motion was adopted.

The question being upon the adoption of the substitute offered by Mr. Glick, the ayes and noes were demanded and taken with the following result: Ayes 3, noes 73.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton and O'Brien.

Those gentlemen voting nay, were—

Messrs. Abraham, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Goss, Griswold, Gwartney, Han-

way, Harvey, Hendricks, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

And so the substitute was lost.

A call of the House was ordered.

Further proceedings under the call were dispensed with.

The question being upon the adoption of the Resolution, the ayes and noes were demanded and taken with the following result: Ayes 59, noes 17.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Griswold, Hanway, Harvey, Hendricks, Houts, Hughes, Karr, Kennedy, Kohler, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, Page, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Scudder, Smith, Storch, Stafford, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting nay, were—

Messrs. Campbell of the 33d, Deitrick, Foster, Glick of the 31st, Goss, Gwartney, Hodgson, Jordon, Loomis, O'Brien, Payne, Russell, Shapherd, Spencer, Snyder, Sutherland and Stratton.

And so the resolution was adopted.

Mr. Houts moved a reconsideration of the contested case of Foster vs. Moody.

Mr. Foster moved to lay the motion on the table.

Pending consideration thereof the House adjourned.

HOUSE JOURNAL

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MORNING SESSION.

TOPEKA, JAN. 18, 1865, 10 O'CLOCK A. M.

House called to order.

Speaker in the chair.

Prayer by Father De Fouri.

Roll called.

Quorum present.

Absentees—Messrs. Fletcher, Glick of the 6th, Perry and Russell.

On motion of Mr. Throckmorton, Mr. Perry was allowed leave of absence.

The following letter from Bishop Vail was read, and on motion of Mr. Fairchild, was ordered spread upon the Journals :

TOPEKA, KANSAS, Jan. 17th, 1865.

D. B. Emmert, Esq., Chief Clerk of the House of Representatives of the State of Kansas :

I have this afternoon received through you a copy of the Resolution passed by the House to-day, inviting me to "conduct the devotional exercises at the opening of the morning session to-morrow, January 8th, 1865," requesting you to present to me a copy of the Resolution of invitation.

I regret that an appointment at Leavenworth for Thursday compels me to leave Topeka at an early hour to-morrow, and thus to forego the privilege of accepting the very courteous invitation extended to me.

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I beg you to communicate to the Honorable House for which you act, my sincere thanks for their kind invitation, and the cordial welcome implied in it to one just entering upon his citizenship in this new and noble State.

Although unable to be with you to-morrow, my prayer continually shall be that God by His holy spirit, through Christ, may ever guide you, so that human liberty shall be established, and social happiness be secured throughout our borders; and that all the legislation of our commonwealth may be the embodiment of the grand principle of God's great love, and God's great Right.

I am, dear sir, very respectfully your ob't servant,

• THOMAS H. VAIL,

*Bishop of the Protestant Episcopal Church of the
Diocese of Kansas.*

The Journal of yesterday was read, corrected and approved.

By consent, Mr. Glick of the 31st, offered the following Resolution:

Resolved, By the House of Representatives of the State of Kansas, that we do hereby accept the invitation of John D. Perry, Esq. President of the Union Pacific Rail Road Company, of a free ride from Topeka to Wyandotte and back again; said excursion to be on Friday and Saturday of the present week, and that the Clerk be ordered to communicate the passage of this Resolution to the Senate.

Mr. Stewart moved to suspend the rules that the Resolution may be considered now.

Carried.

Mr. Glick of the 31st, moved the adoption of the Resolution, upon which the ayes and noes were demanded and taken with the following result: Ayes 49, noes 26.

Those gentlemen voting aye, were—

Messrs. Browne, Callen, Campbell, of the 33d, Cavender, Church,

Cook, Cleavinger, Darby, Dutton, Diffie, Draper, Fairchild, Fitch, Fletcher, Glick of the 31st, Griswold, Hanway, Harvey, Houts, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, MacDonald, Martindale, Mize, Morrow, Moody, O'Brien, Payne, Riddle, Rice, Sammons, Scudder, Shepherd, Smith, Spencer, Sutherland, Stratton, Strong, Stewart, Swift, Throckmorton, and Wells.

Those gentlemen voting nay, were—

Messrs. Abraham, Atwood, Broadhead, Campbell of the 51st, Christy, Coffinberry, Craig, Deitrick, Foster, Glick of the 6th, Goss, Gwartney, Hendricks, Hodgson, Jordon, Loomis, Mead, McLellan, Rawlings, Rogers, Russell, Salisbury, Snyder, Storch, West and Mr. Speaker.

And so the Resolution was adopted.

By consent, Messrs. McLellan, Coffinberry, Snyder, Foster, Rawlings and Storch, filed the following protest :

WHEREAS, The House of Representatives of the State of Kansas, for the session, commencing January 10th, 1865, did on the 18th day of said month, by a majority vote, pass a certain Resolution which is in the following words:

Resolved, By the House of Representatives of the State of Kansas, that we do hereby accept the invitation of John D. Perry, Esq., President of the Union Pacific Rail Road Company, of a free ride from Topeka to Wyandotte, and back again; said excursion to be on Friday and Saturday of the present week, and that the Clerk be ordered to communicate the passage of this Resolution to the Senate."

Now, therefore, we the undersigned members of said House of Representatives, do hereby solemnly and strenuously protest against the passage of said Resolution, as involving on the part of said Legislature, a useless waste of time, at a period when the strictest economy ought to be practiced, in all departments of the public service. The aggregate cost to the State of the Legislature for the two days which are proposed to be spent in personal amusement and recreation is more than seven hundred dollars; and this while every

department of our Government is oppressed by an onerous and constantly increasing indebtedness.

Our people are oppressed by a rate of taxation to which their patriotism alone leads them to submit without complaint.

While they will not shrink from the performance of any duty, however severe, nor from the endurance of any privation, however trying, if required for the safety and honor of the State, or nation, they will not, and they ought not, countenance any of their public servants in either extravagance or neglect of duty. The business before the Legislature demands our immediate attention. A short session is demanded and expected by the people. If true to the trust which they have imposed in us, we need not disappoint that expectation, if false, we shall both merit and receive their condemnation.

JAMES McLELLAN,

S. J. SNYDER,

CHAS. C. COFFINBERRY,

R. C. FOSTER,

N. P. RAWLINGS,

GEORGE STORCH.

Mr. Fairchild moved the Journals of yesterday as read and corrected be approved.

Mr. Strong moved as an amendment to strike out the word "Lost" and restore the word "Carried" in the motion to postpone the contested election case of the 26th District.

Mr. Broadhead moved the following amendment, which was lost: "To strike from the Records of yesterday all proceedings after the vote was declared on the postponement of the contested election of the 26th Representative District, excepting that pertaining to adjournment.

Mr. Fairchild's motion as amended was adopted.

Mr. Cook moved that the House adjourn.

Lost.

Message from the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives that the Senate have passed the following Concurrent Resolution, No. — and ask your concurrence therein.

WHEREAS, The Union Pacific Railroad, Eastern Division, through its President, Hon. John D. Perry, has tendered to the Legislature of Kansas a free ride to Wyandotte, and

WHEREAS, A personal examination of this great National highway, will not only be pleasant and conducive to the interests of the State, in view of the fact that Railroads in other States are seeking the injury of this one, and enable the Legislature to enlighten the Congress of the United States as to the most practicable route to the Pacific Ocean, therefore,

Resolved, By the Senate, the House concurring, that when the two Houses adjourn next Thursday afternoon, they adjourn to meet on Monday the 23d day of January inst.

A. SMITH DEVENNEY,
Secretary of the Senate.

- Mr. Strong moved to suspend the rules for the consideration of Concurrent Resolution No. —, relating to adjournment.

Carried.

The question being upon the adoption of the Resolution, the ayes and noes were demanded and taken with the following result: Ayes 48, noes 24.

Those gentlemen voting aye, were—

Messrs. Benton, Browne, Callen, Cavender, Church, Cook, Cleavinger, Darby, Dutton, Draper, Fairchild, Finn, Fletcher, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Houts, Hughes, Jordon, Karr, Kennedy, Kohler, Leonard, Lowe, MacDonald, Martindale, Mead, Morrow, O'Brien, Page, Payne, Perry, Riddle, Rice, Sammons, Scudder, Shepherd, Spencer, Sutherland, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, and Wells.

Those gentlemen voting nay, were—

Messrs. Abraham, Atwood, Broadhead, Campbell of the 51st, Christy, Coffinberry, Craig, Deitrick, Foster, Glick of the 6th, Guss, Hendricks, Hodgson, Loomis, McLellan, Moody, Perry, Rawlings, Russell, Salisbury, Snyder, Storch, West, and Mr. Speaker.

So the Resolution was adopted.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called.

Mr. Houts, chairman of Committee on Militia, made the following report:

MR. SPEAKER:—Your committee to whom was referred House Bill No. 33, "authorizing bounties to men enlisted in the service of the United States" respectfully report the same back with the recommendation that it be referred to the Committee on Ways and Means.

The Bill was so referred.

Mr. Dillie from Committee on State Library, made the following report:

MR. SPEAKER:—The Committee on State Library to whom was referred Concurrent Resolution No. 5, relating to the State Library,

have had the same under consideration, and recommend its adoption without amendment.

C. L. DILLIE,

Chairman.

Mr. Macdonald, from Committee on Public Institutions, made the following report :

MR. SPEAKER:—The Committee on Public Institutions, to whom was referred House Bill No. 21, "An act in relation to the Deaf and Dumb," have had the same under consideration and recommend its passage with the following amendment: substituting "Topeka" for the words "Baldwin City," and requests that it be printed.

S. D. MACDONALD,

Chairman.

Mr. Darby, from Special Committee made the following report :

MR. SPEAKER:—The Select Committee, to whom was referred that portion of the Governor's Message, relative to taking the census of the State, beg leave to report that they have the same under consideration, and on account of the importance of the subject, ask that the House grant further time, in which to prepare their report:

RUFUS DARBY,

Chairman

On motion, further time was granted.

Mr. O'Brien, from Committee on Accounts, made the following report :

MR. SPEAKER:—The Committee on Accounts, to whom was referred the account of J. M. Funk, for services as Door-Kecker of the Wyandotte Constitutional Convention, beg leave to report the same back to the House with the recommendation that it be referred more appropriately to the Committee on Claims.

T. M. O'BRIEN,

Chairman.

The Account was so referred.

Mr. Martindale, from Committee on Agriculture, made the following report :

MR. SPEAKER:—Your Committee to whom was referred House Bill. No. 30, entitled "An act to amend an act regulating Enclosures," beg leave to recommend its passage.

WM. MARTINDALE,
Chairman.

Message from the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives that the Senate have accepted the report of the Joint Rules, for the Government of the two Houses, and have adopted the same, and desire your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

On motion of Mr. Glick of the 6th, the House concurred.

Message from the Senate :

MR. SPEAKER:—I am directed by the Senate to inform the House that they have passed Senate Bill No. 1, "An act relative to the duties of County Commissioners," and desire your concurrence therein; also passed House Bill No. 2, "An act to establish a Road," with this amendment: "That this act take effect from and after its publication in the *Atchison Free Press*."

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Glick, 6th, moved that the House concur in the amendment of the Senate to House Bill No. 2. The roll being called, the vote resulted as follows: Ayes 76, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick,

Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the amendment was concurred in.

Message from the Senate:

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed House Concurrent Resolution No. 4, with the following amendments, and ask your concurrence therein:

After the word "force." in the 24th line, insert these words: "in the hands of Maj. Gen. Curtis, commanding this Department, to enable him to give sufficient and ample protection, to the frontier of Kansas, and the overland and Santa Fe Routes," and that all of section one thereafter be stricken out.

Resolved, That the Secretary of State be and he is hereby requested to forward a certified copy of these Concurrent Resolutions to the Legislature of the [State of Missouri, Iowa, Nevada, and California, and to the Legislatures of the Territories of Nebraska, Colorado, Montana, Washington and Utah, with a view to inducing their honorable and respective bodies to take similar action, as is indicated in these Resolutions.

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Broadhead moved that the Senate amendments be adopted:

Carried.

Mr. Strong offered the following resolution :

Resolved, That in the determination of the qualifications of contestants to seats in this House, the certificate of the Secretary of State, and the certified abstracts of votes cast by the citizens and soldiers, for members of this Legislature, on file in the Secretary of State's office, shall be conclusive as to the number of votes, and for whom cast. But that nothing herein contained shall preclude the introduction of testimony effecting the eligibility of contestants, under the State Constitution, within the provisions of existing laws.

Laid over under the Rules.

Mr. Leland offered the following resolution, which was adopted :

Resolved, That the Sergeant-at-Arms be directed to procure four vessels, suitable to contain water, and that one be placed on each stove in this Hall.

Mr. Snyder offered the following Resolution :

Resolved, That no compensation shall be allowed to members of this House, but for actual service in their Legislative capacity, unless so prohibited by the want of a quorum, and that the absence of members on Railroad excursions shall not be construed to mean such actual Legislative service.

Laid over under the Rules

Mr. Finn offered the following Resolution, which was adopted :

Resolved, That as the increasing business of the House renders it impossible for the Journal Clerk to make a full and accurate report of our proceedings, Mr. J. E. Follansbee is hereby appointed Assistant Journal Clerk.

Mr. Follansbee came forward and was sworn in.

Mr. Dillie offered Concurrent Resolution relating to Santa Fe mail.

Laid over under the Rules.

The Concurrent Resolution, in relation to the State Penitentiary, was taken up.

Mr. Strong offered the following amendment, which was adopted:

Resolved, That in each House the Chairman of the Committee, to which the matter of the State Penitentiary was referred, compose a part of said Committee.

The question recurring on the Concurrent Resolution as amended.

On motion, the Resolution was adopted.

Mr. Strong moved that Hon. S. A. Stinson, and Hon. John D. Perry, President of the Pacific Railroad Company, be invited to seats within the bar.

Carried.

Mr. Page introduced House Bill No. 41, in relation to the permanent location of the county seat of Coffey county.

Read first time.

Rules suspended and House Bill No. 41, read second time, and

Referred to Committee on County Seats and County Lines.

Mr. Glick of the 6th, introduced House Bill No. 42, to vacate certain streets and alleys.

Read first time.

Rules suspended, House Bill No. 42, read second time, and

Referred to Committee on Judiciary.

Also, House Bill No. 43, An act supplemental to an act in relation to roads approved March 5th, 1864.

Read first time.

Rules suspended and House Bill No. 43, read second time, and

Referred to Committee on Judiciary.

Mr. Glick of the 31st, introduced, House Bill No. 44, declaring the county road from Leavenworth to Wyandotte, by way of the Missouri bottom, a State road.

Read first time.

Rules suspended, and House Bill No 44, read second time, and

Referred to Committee on Roads and Highways.

Mr. Swift introduced House Bill No. 45, An act to amend an act relative to mutilated, lost and destroyed Bonds.

Read first time.

Rules suspended, and House Bill No. 45, read second time, and

Referred to Committee on Judiciary.

Mr. Stratton introduced House Bill No. 46, "An act to locate a certain State road."

Read first time.

Rules suspended and House Bill No. 46, read second time, and

Referred to Committee on Roads and Highways.

Mr. Dutton introduced House Bill No. 47, An act to amend an act to establish certain State roads.

Read first time.

Rules suspended, and House Bill No. 47, read second time, and

Referred to Committee on Roads and Highways.

Mr. Foster introduced House Bill No. 48, An act to amend an

act providing for Joint Convention of the two Houses of the Legislature.

Read first time.

Rules suspended and House Bill No. 48, read second time, and

Referred to Committee on Judiciary.

Mr. Rice introduced House Bill No. 49, an act to amend an act entitled "An act to regulate the taking up and posting of strays."

Read first time.

Rules suspended, and House Bills No. 49, read second time, and

Referred to Committee on Judiciary.

Mr. Hanway introduced House Bill No. 50, An act to authorize Franklin county to issue bonds to build a Jail.

Read first time.

Rules suspended, and House Bill No. 50, read second time, and

Referred to Committee on Judiciary.

Mr. Macdonald introduced No. 51, An act supplemental to an act for the relief of M. G. Farnham.

Read first time.

Rules suspended, and House Bill No. 51, read second time, and

Referred to Judiciary Committee.

Mr. Snyder introduced House Bill No. 52, An act to define the compensation of Road Overseers.

Read first time,

Rules suspended, and House Bill No. 52, read second time, and

Referred to Committee on Fees and Salaries.

Also, House Joint Resolution No. 2, to amend section 1 of article 10 of the Constitution.

Read first time.

Rules suspended and House Joint Resolution No. 2, read second time, and

Referred to Judiciary Committee.

Mr. Spencer introduced House Bill No. 53 to authorize the County Commissioners to have the Records of the District Court transcribed.

Read first time.

Rules suspended and House Bill No. 53, read second time, and

Referred to Special Committee.

Mr. Finn introduced House Bill No. 54, An act detaching the County of Wilson and attaching it to the County of Otto, for Judicial purposes.

Read first time.

Rules suspended and House Bill No. 54, read second time, and

Referred to Special Committee.

Mr. Glick of the 31st, introduced House Bill No. 55, An act in relation to breaches of trust.

Read first time.

Rules suspended and House Bill No. 55, read second time, and

Referred to Committee on Judiciary.

Also House Bill No. 56, An act to define the duties of county officers.

Read first time.

Rules suspended and House Bill No. 56, read second time, and

Referred to Judiciary Committee.

Mr. Finn introduced House Bill No. 57, An act to establish a county road from Iola to Syracuse.

Read first time.

Rules suspended and House Bill No. 57, read second time, and

Referred to Committee on Roads and Highways.

Mr. Russell introduced House Bill No. 58, An act to require County Commissioners to publish their expenditures.

Read first time.

Rules suspended, and House Bill No. 58, read second time, and

Referred to Judiciary Committee.

Also House Bill No. 59, An act concerning the fencing of Railroads and for other purposes.

Read first time.

Rules suspended and House Bill No. 59, read second time, and

Referred to Judiciary Committee.

Also House Joint Resolution No. 3, to amend Section 1 of Article 10 of the Constitution.

Read first time.

Rules suspended and House Joint Resolution No. 3, read second time, and

Referred to Judiciary Committee.

Mr. Abraham introduced House Bill No. 60, An act to prevent the running at large of Bulls.

Rules suspended, and House Bill No. 60, read second time, and

Referred to Committee on Agriculture and Manufactures.

On motion of Mr. Foster, the rules were suspended, and Senate Bill No. 1, read second time, and

Referred to Committee on County Lines and County Seats.

On motion, the House resolved itself into Committee of the Whole for consideration of the Calendar.

Mr. Broadhead in the chair.

After some time spent therein the Committee arose and through its Chairman reported back House Bill No. 3, An act to amend an act, entitled "An act to incorporate and establish the City of Wyandotte," and recommended its passage with amendments.

Also House Bill No 11, An act limiting the time in which to present claims against a City or County, with amendments, and recommended its passage as amended.

Also House Bill No. 14, An act concerning Shawnee Indian Land Titles, with amendments, and recommended its passage as amended.

Also House Bill No. 28, An act to repeal Section 13 of an act pertaining to County Attorneys.

Reported progress, and asked leave to sit again.

On motion, the House adjourned.

MORNING SESSION.

TOPEKA, JAN. 19, 1865, 9 o'clock, A. M.

House called to order.

Speaker in the chair

Roll called.

Quorum present.

Absentees—Messrs. Coffinberry, Fletcher, Jordon and Russell.

Prayer by Rev. Mr. McVicar.^{at}

Journal of yesterday read and approved.

Mr. Glick of the 31st, presented the following communication :

Resolved, That the hospitalities of the City be extended to the Executive and State officers of the State, the members of the United States District and the Supreme Courts, and the Senators and members of the House of Representatives, on the 20th, and 21st inst., and that the Mayor be requested to send a copy of this resolution to the Governor and to the State officers, and the several members of the District and Supreme courts, the Lieutenant Governor and Speaker of the House of Representatives.

I do hereby certify that the above is a true copy of a Resolution passed by the City Council, of the City of Wyandotte, in session this 11th day of January, 1865.

[L. S.]

J. M. FUNK,

Mayor.

Mr. Glick, from Judiciary Committee, made the following reports :

MR. SPEAKER :—Your Committee to whom was referred House

Bill No. 12, entitled "An act supplemental to an act relative to Marriage," have had the same under consideration, and directed me to report the same back with the above substitute, and recommend the publishing of the substitute.

G. W. GLICK,

Chairman.

MR. SPEAKER :—Your Committee to whom was referred House Bill, No. 13, entitled "An act to amend an act defining the powers and duties of State officers," have had the same under consideration, and have directed me to report the same back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 10, entitled "An act to confer local legislation on Boards of County Commissioners," have had the subject under consideration, and find such legislation authorized by Section 21, of Article 2, of the Constitution. There is a great amount of legislation that would be beneficial in some localities which would be injurious or oppressive in others, and to which no general law can be made applicable in cases indicated by the bill, so as to be just and equal in its operation. This bill would leave those subjects of legislation indicated by it to the Counties or Townships interested, so that they would be regulated in accordance with the wishes or interests of the people in localities most interested in favor of such legislation, while it would not impair or oppress those opposed to it in others. For these reasons the Committee have directed me to report this bill back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER Your Committee to whom was referred House Bill No. 56, entitled "An act defining the duties of County officers," beg leave to report that they have had the same under consideration and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 24, have had the same under consideration, and a majority have directed me to report the same back with the following substi-

tute, and recommend the printing and passage of the substitute.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 50, entitled "An act to authorize Franklin County to issue Bonds to build a Jail," beg leave to report that they have had the same under consideration, and report the bill back to the House, and recommend its printing.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 48, entitled "An act to amend an act providing for Joint Conventions of the two Houses of the Legislature," have had the same under consideration, and beg leave to report that they recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 41, entitled "An act to vacate certain Streets and Alleys in Sumner," have had the same under consideration, and have directed me to report the same back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred Joint Resolution No. 3, have had the same under consideration, and have directed me to report the same back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee, to whom was referred House Bill No. 45, entitled "An act to amend an act entitled an act concerning mutilated, lost and destroyed Bonds, approved February 12th, 1864," beg leave to report that they have had the same under careful consideration, and recommend its passage.

G. W. GLICK,

Chairman.

Mr. Page, from Committee on County Seats and County Lines, made the following report:

MR. SPEAKER:—The Committee on County Seats and County Lines, have had under consideration House Bill No. 41, "An act to provide for the permanent location of the County Seat of Coffey County," and instruct me to report the same back to the House and recommend its passage.

F. R. PAGE,

Chairman.

MR. SPEAKER:—The Committee on County Seats and County Lines, have had under consideration Senate Bill No. 1, "An act relating to the duties of County Commissioners," and instruct me to report the same back to the House, and recommend its passage.

F. R. PAGE,

Chairman.

Mr. Shepherd, from Committee on Corporations, made the following report:

MR. SPEAKER:—Your Committee on Corporations have had under consideration House Bill No. 15, "An act to amend an act entitled an act to incorporate the Leavenworth City Railroad," and instruct me to report the same back to the House, and recommend its passage with the following additional section: That section 2 of the act to which this is amendatory, is hereby repealed.

H. D. SHEPHERD,

Chairman.

Mr. Martindale, from Committee on Agriculture, made the following report:

MR. SPEAKER:—Your committee to whom was referred House Bill No. 49, "An act to amend an act entitled an act to regulate the taking up and posting of Strays," have had the same under consideration, and beg leave to report the same back to the House, and recommend its rejection.

WM. MARTINDALE,

Chairman.

Mr. Sutherland, from Committee on Roads and Highways, made the following report:

MR. SPEAKER:—Your Committee on Roads and Highways, would

respectfully ask for further time to carefully consider the business before them.

D. H. SUTHERLAND,

Chairman.

Further time was granted.

Mr. Spencer, from Special Committee, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 53, begs leave to report that he has had the same under consideration, and would respectfully recommend its passage, all of which is respectfully submitted.

J. SPENCER,

Chairman.

Mr. Browne, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee on Engrossed Bills, have examined the following Bills and Concurrent Resolutions, and beg leave to report them as correctly engrossed:

House Bill No. 14, "An act concerning Indian Land Titles."

Concurrent Resolution No. 4, "In relation to the Overland travel, and the Settlers upon the Frontier."

Concurrent Resolution "In relation to the Santa Fe Mail."

O. H. BROWNE,

Chairman.

Message from the Senate:

MR. SPEAKER:—I am instructed by the Senate to inform you that the Senate have concurred in the House Concurrent Resolution, directing that the resolutions of the last session of the Legislature, referring to Judge Delahay, be expunged.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Finn, from Select Committee, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House

Bill No. 54, "An act entitled an act detaching the County of Wilson from the County of Woodson, and attaching it to the County of Allen for Judicial purposes, beg leave to report the same back, and recommend it be printed and passed.

D. C. FINN,

Chairman.

Mr. Benton moved that Mr. L. M. Dunn be invited to a seat within the bar.

Carried.

Mr. Strong offered the following Resolution, which was adopted :

Resolved, That the Sergeant-at-Arms of this House, be directed to procure for the use of the Committee of Ways and Means, a suitable room, in which to hold its sessions, and provide the same with necessary Furniture, Lights, Stationery, &c.

Mr. Loomis offered the following Resolution, which was adopted :

Resolved, That the Attorney General be requested to give this House his written opinion, as early as practicable, in regard to the legally established boundary of Allen and Neosho counties.

The following Resolutions, in relation to Tax Laws, were taken up

Resolved, That the Committee on Ways and Means, be instructed to inquire into the expediency of so amending or remodeling the tax laws of the State, as to prohibit deductions for indebtedness, and also to provide for some fair and equal way to tax merchants and traders, and to report by bill or otherwise.

Resolved, That the Committee on Counties, be instructed to enquire into the propriety of so amending or remodeling the tax law in relation to County Clerks, as to provide for a proper system of keeping the financial accounts, of the County, and other municipalities in them in a proper shape, so that the public can ascertain at any time the financial condition of the county, township, school districts, &c. in the same, and to report by bill or otherwise.

Pending consideration thereof, the House adjourned.

AFTERNOON SESSION.

2 o'clock, P. M.

House called to order.

Speaker in the chair.

Roll called.

Message from the Senate:

MR. SPEAKER:—I am directed to inform you that the Senate have refused to concur in House amendment to Senate Concurrent Resolution No. 11, relating to the appointment of a Joint Committee on the Union Pacific Railroad.

A. SMITH DEVENNEY,
Secretary of the Senate.

A call of the House was ordered, and absentees brought in.

On motion, further proceedings under the call were dispensed with.

By consent, the House proceeded to consider the message from the Senate.

Mr. Strong moved that the House adhere to its amendments to Senate Concurrent Resolution No. 11.

Mr. Glick of the 31st, moved that the House recede from its amendments.

Carried.

The question recurring on the Resolution, relating to tax laws, under consideration in morning session, it was adopted.

The following message from the Senate was taken up:

MR. SPEAKER :—I am directed to inform the House of Representatives that the Senate have concurred in House Concurrent Resolutions No. —, in relation to the appointment of a committee to examine the State Penitentiary, &c., with the following amendments: Strike out all after the word "possible," to which they ask your concurrence.

A. SMITH DEVENNEY,
Secretary of the Senate.

On motion, the House concurred in Senate amendments to the Resolution.

House Concurrent Resolution No. 9, in relation to the Santa Fe mail, was taken up and referred to Committee on Federal Relations.

The Resolution, relating to the determination of the qualifications of contestants, was taken up and referred to Committee on Judiciary.

The following Resolution was taken up, and on motion, laid on the table.

Resolved, That no compensation shall be allowed members of this House, but for actual service in their Legislative capacity, unless prohibited by the want of a quorum, and that the absent members on Railroad excursions, shall not be construed to mean such actual Legislative service.

Mr. Hanway introduced House Bill No. 61, "An act to vacate a certain State road.

Read first time.

Mr. Rawlings introduced House Bill No. 62, "An act to establish a certain State Road from Atchison via Robinson and Hiawatha to Perdonia, Brown County, thence to the Nebraska line in the direction of Fall City."

Read first time.

Mr. Finn introduced House Bill No. 63, "An act entitled an act for the removal of County Seats, and the permanent location of the same."

Read first time.

Mr. Broadhead introduced House Bill No. 64, "An act to vacate a certain State Road."

Read first time.

Mr. Martindale introduced House Bill No. 65, "An act to establish a certain State Road."

Read first time.

Mr. Glick of the 31st, gave notice that he would, on Monday next, introduced a bill to repeal the present criminal code, and introduce a new one in lieu thereof.

Mr. Russell moved that the rules be suspended for a second reading of Bills.

Carried.

House Bills No. 61 and 62, were read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 63, was read second time, and

Referred to Committee on County Lines and County Seats.

House Bills Nos. 64 and 65 were read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 3, "An act to amend an act entitled an act to incorporate and establish the City of Wyandotte, Kansas Territory," was read third time.

The question being "shall the bill pass?" The vote resulted as

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follows: Ayes 52, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Coffinberry, Cleavinger, Darby, Dillie, Finn, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Hughes, Karr, Kohler, Leland, Lowe, Loomis, Martindale, Mead, Mize, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rice, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, West, and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 11, "An act limiting the time in which to present claims against a City or County," was read the third time

The question being, "shall the Bill pass?" the vote resulted as follows: Ayes 52, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Coffinberry, Cleavinger, Darby, Dillie, Finn, Glick of the 31st, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Hughes, Karr, Kohler, Leland, Leonard, Lowe, Loomis, Martindale, Mead, Mize, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rice, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed

The title was agreed to.

House Bill No. 14, "An act concerning Indian Land Titles," was read third time.

The question being "shall the Bill pass?" the vote resulted as follows: Ayes 53, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Coffinberry, Cleavinger, Darby, Dillie, Finn, Glick, of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kohler, Leland, Leonard, Lowe, Loomis, MacDonald, Martindale, Mead, Mize, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rice, Russell, Sammons, Salisbury, Scudder, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, West and Mr Speaker.

Leave of absence until Wednesday was granted Messrs. Smith, Atwood, Jordon, Dillie, Houts, Sammons and to Mr. Glick of the 31st, until Tuesday.

On motion, of Mr. Russell, the House was ordered to be kept open during the intermission.

On motion, the House adjourned.

MORNING SESSION.

TOPEKA, JAN. 23, 1865, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Benton, Callen, Campbell of the 33d, Christy, Craig, Dutton, Fairchild, Foster Fletcher, Glick, of the 6th; Griswold, Gwartney, Kennedy, Leonard, Lowe, Morrow, O'Brien, Payne, Riddle, Rogers, Russell, Spencer, Stafford, Stratton, Swift and Throckmorton.

Prayer by Rev. Mr. Hawley.

Journal of Thursday read, corrected and approved.

J. F. Cummings presented his name as Reporter for the *State Record*.

Mr. Glick from Judiciary Committee, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 58, entitled "An act to require Boards of County Commissioners to publish their Expenditures," have had the same under consideration, and have directed me to report back the following substitute and recommend the printing and passage of the substitute.

G. W. GLICK,
Chairman.

Mr. Rice, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, have examined House Bill No. 2, "An act to locate a State Road," and find the same carefully enrolled.

H. RICE,
Chairman.

Mr. Hanway, from Committee on Roads and Highways, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 52, entitled "An act to define the compensation of Road Overseers," have had the same under careful consideration, and recommend its passage.

JAMES HANWAY,
Chairman.

Mr. Browne, from Special Committee, made the following report:

MR. SPEAKER :—Your Special Committee, to whom was referred House Bill No. 23, entitled "An act to equalize the basis of taxation," are under the necessity of asking further time to report, on account of sickness.

O. H. BROWNE,

Chairman.

Further time was granted.

Mr. Page offered the following Resolution, which was adopted :

Resolved, That the thanks of the House is due the President of the Union Pacific Railroad, for his generous invitation to the members of the Legislature to pass over his road. Also to the citizens of Wyandotte and Lawrence for the hospitality extended to us during our stay in those cities.

Mr. Snyder offered the following Resolution, which was laid on the table :

Resolved, That the portion of this Legislature who lately adjourned to Wyandotte, be ordered to make a full report to the people of their proceedings, the number and value of the "bills" they passed, and the condition in which they left our Railroad interests.

Mr. Abraham moved to reconsider the vote by which the Special Committee on the Pacific Railroad should consist of members of the Standing Committee on Railroads.

Mr. Broadhead moved to lay the motion on the table.

Carried.

By consent, Mr. Page, from Committee on County Seats and County Lines, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 63, entitled "An act for the removal of County Seats, and the permanent location of the same," have had the same under consideration, and a majority of the Committee instruct me to report the same back and recommend its passage.

F. R. PAGE,

Chairman.

On motion, Mr. Kennedy was granted leave of absence until tomorrow morning.

Mr. McLellan introduced Bill No. 66, "An act to amend Section 151 and 51 of Chapter 91, of the Compiled Laws of 1862."

Mr. Kohler introduced Bill No. 67, "An act to change a certain State road."

Mr. Strong introduced Bill No. 68, "An act, making appropriations for the current Legislative expenses for the year 1865."

Mr. Coffinberry introduced Bill No. 69, "An act to provide for the consolidation of county officers."

Mr. Rawlings introduced Bill No. 70, "An act regulating weights and measures."

Mr. Stewart moved the suspension of the rules, that the Bills read a first time be read a second time now.

Carried.

House Bill No. 66, was read-second time, and

Referred to Judiciary Committee.

House Bill No. 67, was read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 68, was read second time, and

Referred to Committee on Ways and Means.

House Bill No. 69, was read second time, and

Referred to Committee on Counties.

House Bill No. 70, was read second time, and

Referred to Committee on Judiciary.

On motion, House resolved itself into a Committee of the Whole for the consideration of the Calendar. Mr. Broadhead in the chair.

After some time spent therein the Committee arose, and through its chairman, reported back House Bill No. 13, "An act to amend an act, defining the powers and duties of State officers," with amendments, and recommended its passage as amended.

Also House Bill No. 1, "An act to prevent enlistments in this State upon the quota of any other State," with amendments, and recommended its passage as amended.

Also House Bill, No. 5, "An act to repeal an act to abolish Grand Juries," and recommended that the enacting clause be stricken out.

Also House Bill No. 7, "An act relative to costs in Criminal Cases," and recommended that it be stricken from the calendar.

Also House Bill No. 8, "An act concerning liabilities of Hotel Keepers," with amendments, and recommended its passage as amended.

Also House Bill No. 19, "An act concerning the duties of as amended.

Also House Bill No. 21, "In relation to the Deaf and Dumb," County Treasurers," with amendments, and recommended its passage and recommended that it be referred to Committee on Ways and Means.

Also House Bill No. 26, "An act detaching the Counties of Dickinson and Ottawa from the county of Davis, and attaching them to the county of Saline," with amendments, and recommended its passage as amended.

The Committee arose, reported progress, and asked leave to sit again.

Mr. Broadhead moved that the report of the Committee, relating to House Bills Nos. 5 and 28, be not agreed to.

Lost.

Mr. Strong moved that all the report of the Committee, except that relating to House Bills Nos. 5 and 28, be agreed to.

Carried.

House Bills Nos. 13, 1, 5, 7, 8, 19, 21 and 26, were ordered engrossed for a third reading.

On motion, the House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

By consent, Mr. Cavender offered the following Concurrent Resolution, which was laid over under the Rules :

Resolved, By the House of Representatives, the Senate concurring therein, that the Legislature of Kansas do adjourn *sine die*, on the 10th day of February, A. D. 1865, at 12 o'clock M.

On motion, the House resolved itself into Committee of the Whole for the consideration of the Calendar.

Mr. Page in the chair.

After some time spent therein the Committee arose, and through its Chairman, reported back House Bill No. 32, "An act to repeal Section 15 of an act, defining the duties of Justices of the Peace in cases of breach of the peace," and recommended that the enacting clause be stricken out.

Also House Bill No. 37, "An act to change certain State roads," with amendments, and recommended its passage as amended.

Also House Bill No. 38, "An act to attach Greenwood to Lyon county for Judicial purposes," with amendments, and recommended its passage as amended.

Also House Bill No. 41, "An act to vacate certain Streets and Alleys," with amendments, and recommended its passage as amended.

Also House Bill No. 48, "An act to amend an act, providing for Joint Conventions of the two Houses of the Legislature," with amendments, and recommended its passage as amended.

Also House Bill No. 50, "An act to authorize Franklin county to issue bonds to build a Jail," with amendments, and recommended its passage as amended.

Also House Bill No. 56, "An act to define the duties of County officers," with amendments, and recommended its passage as amended.

Also House Bill No. 9, "An act for the relief of persons holding duplicates or receipts from the Registers and Receivers of Land offices of the United States, which have been assigned to the holder thereof, and providing for the recording thereof," and recommended that the enacting clause be stricken out.

Also House Bill No. 17, "An act relating to County Commissioners," and recommended that the enacting clause be stricken out.

Also House Joint Resolution, No. 1, "To amend Section 25 of Article 2 of the Constitution of the State of Kansas," and recom-

recommended that the enacting clause be stricken out.

Also House Bill No. 54, "An act detaching the County of Wilson and attaching it to the County of Otto for Judicial purposes," and recommended that it be referred to the Judiciary Committee.

The report of the Committee was agreed to.

Mr. Glick of the 6th, moved to agree to the report of the Committee of the Whole on House Bill No. 5.

Carried.

Mr. Rice, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—The Committee on Enrolled Bills, have this day presented to the Governor for his signature, House Bill No. 2, "An act to locate a State Road."
January 23d, 1865.

H. RICE,

Chairman.

On motion of Mr. Russell, the House agreed to report of the Committee of the Whole, on House Bill No. 28.

On motion, the House adjourned.

MORNING SESSION.

TOPEKA, JAN. 24, 1865, 10 o'clock A.M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Browne, Campbell of the 31st, Darby, Houts, Hodgson, Jordon, Martindale, Mead, Perry, Riddle, Russell, Shepherd, Spencer, Storch, Stratton and Throckmorton.

Journal of yesterday read, corrected and approved.

Mr. Glick of the 6th, presented the following Petition :

A petition of John W. Brown and twenty-seven others, protesting against any amendments of the School Law, abolishing Union School District.

Referred to Committee on Education.

Mr. Rice offered Petition of — Bryan and thirty other citizens of Mound township, Miami county, praying for the passage of a law, appropriating certain road money in said township for school purposes :

Referred to Committee on Education.

Mr. Payne presented Petition of John Gamble and nineteen others, for increase of jurisdiction of Justice of the Peace.

Referred to Committee on Judiciary.

Mr. Cook presented the following Petition of Francis B. Thomas

and forty-nine others, praying for the location of a certain State Road:

Referred to Committee on Roads and Highways.

Mr. Campbell of the 33d, presented the Petition of W. H. Fishback and sixty-five others, praying that the school for the Deaf and Dumb be located at Olathe, this year, 1865:

Referred to Committee on Public Institutions.

Mr. Glick of the 6th, from the Committee on Judiciary, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 70, entitled "An act regulating Weights and Measures," have had the same under consideration, and have directed me to report the same back and recommend its passage.

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 55, entitled "An act to amend an act in relation to Breaches of the Peace," have had the same under consideration and beg leave to report the same back and recommend its rejection.

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 65, entitled "An act to amend section 151 of chapter 91, Compiled Laws of 1862," have had the same under consideration, and have directed me to report the same back and recommend its rejection.

G. W. GLICK,
Chairman.

Mr. Strong, from Committee on Ways and Means, made the following report:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred House Bill No. 68, have had the same under considera-

tion, and instructed me to report the same back to the House, and recommend its passage.

N. Z. STRONG,
Chairman.

Mr. Glick of the 6th, from Judiciary Committee, made the following report :

MR. SPEAKER :—Your Committee, to whom was referred the Petition of officers of various courts, and members of the bar of Leavenworth county, concerning the assessment of penalties in criminal cases, have had the same under consideration and have directed me to report the same back with the following bill and recommend its passage.

G. W. GLICK,
Chairman.

Mr. Broadhead, from Committee on Federal Relations, made the following report :

MR. SPEAKER :—Your Committee on Federal Relations, to whom was referred, House Concurrent Resolution No. 9, in relation to the Santa Fe Mail Route, ask leave to report the same back to the House and recommend its passage.

J. BROADHEAD,
Chairman.

Mr. Finn, from Committee on Counties, made the following report :

MR. SPEAKER :—Your Committee on Counties to whom was referred House Bill No. 69, entitled " An act to provide for the consolidation of County officers, have had the same under consideration, and direct me to report the same back and recommend its passage.

D. C. FINN,
Chairman.

Mr. Morrow, from Committee on Claims, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 51, entitled " An act supplementary to an act for the relief of Moulton G. Farnham, have had the same under consideration, and

direct me to report it back with the recommendation that it pass.

WM. MORROW,

Chairman.

MR. SPEAKER:—Your Committee on Claims, beg leave to make the following report:

They have had under consideration the claim of Horace Gibbs for sixty-one, fifty-one hundredths dollars, for expenses incurred in the arrest of a fugitive from justice from the State of Missouri, and recommend that it be allowed.

Also claim of Horace Gibbs for thirty-five dollars for extra services as Door Keeper for House of Representatives, 1861, be not allowed.

WM. MORROW,

Chairman.

Mr. Browne, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee, on Engrossed Bills, beg leave to report the following Bills as correctly engrossed:

House Bill No. 1, "An act to prevent enlistment in this State upon the quota of any other State."

House Bill No. 8, "An act concerning the liabilities of Hotel Keepers."

House Bill No. 38, "An act to attach Greenwood county to Lyon county for Judicial purposes."

House Bill No. 50, "An act defining the duties of County officers."

House Bill No. 48 "An act to amend an act providing for Joint Conventions of the two Houses."

House Bill No. 54, "An act detaching the county of Wilson from the county of Woodson, and attaching it to the county of Allen for Judicial purposes."

House Bill No. 42, "An act to vacate certain streets and alleys in Sumner."

House Bill No. 37, "An act to change a certain State Road."

House Bill No. 50, "An act to authorize Franklin county to issue bonds to build a Jail."

House Bill No. 20, "An act to detach the counties of Saline, Dickinson and Ottawa from the County of Davis, and to attach the counties of Dickinson and Ottawa to the county of Saline."

House Bill No. 19, "An act concerning the duties of County Treasurers."

O. H. BROWNE,

Chairman.

COMMUNICATION FROM THE ATTORNEY GENERAL.

OFFICE OF ATTORNEY GENERAL, }
TOPEKA, KANSAS, January 23d, 1865. }

To the House of Representatives:

This communication is in response to the following resolution of your Honorable Body:

"*Resolved*, That the Attorney General be and is hereby requested to submit to this House, his written opinion, as early as practicable, in reference to the legality of the boundaries of Allen and Neosho Counties."

The Statute of 1857, page 37, Section 9, defines the boundaries of Allen county, and reads as follows: "The county of Allen, shall be bounded as follows:

Beginning at the south-east corner of Anderson county, thence south, along the west boundary of Bourbon county, to the south-west corner of said Bourbon county; thence west, along section lines to the corner, to sections 14, 15, 22 and 23, township 28, south of range 17, east; thence north along the section lines dividing the second and third tier of sections to the south-west corner of Anderson county; thence east, along the south boundary of Ander-

son county to the place of beginning." In the same Act, section 10 describes the boundaries of Dorn county, now Neosho, and is as follows: "Beginning at the south-west corner of Allen county; thence south, with the section lines dividing the second and third tier of sections to the intersection with the south boundary of the Territory, now State; thence east along said south boundary of the Territory (now State) to the south-west corner of McGee county; thence north, with the west boundary of McGee county, to the south-east corner of Allen county; thence west, with the south boundary of said Allen county to the place of beginning."

The boundaries of Neosho county were changed by an act of the Legislature in 1860, chapter 31, section 2, as follows: "The eastern boundary of Neosho county, shall be township line between range 21 and 22, and the western boundary shall be township line, between range 17 and 18 east."

As your Honorable Body has only asked as to the legality of the boundaries of Allen and Neosho counties, I have referred you to the Statutes of the Territorial Legislatures of 1857, and 1860, which is the only Law defining the boundaries of those counties, now in force, and are the legal boundaries of said counties until changed by Legislative enactment.

Very Respectfully,

J. D. BRUMBAUGH,

Attorney General.

On motion of Mr. Broadhead, the opinion of the Attorney General was ordered to be printed,

The following message from the Senate was taken up :

MR. SPEAKER :—I am directed by the Senate to inform your Honorable Body, that the Senate has adopted Senate Concurrent Resolution No. 14, entitled "A memorial to Congress, asking that Five Hundred Thousand acres of Internal Improvement Lands be granted to the State for the support of Common Schools," and ask your concurrence therein.

N. S. NEWBERRY,

Assistant Secretary of the Senate.

On motion of Mr. Glick of the 31st, the Concurrent Resolution was laid over and ordered printed.

Mr. Glick of the 6th, offered the following preamble and resolution :

WHEREAS, The State of Missouri has Railroads terminating on the eastern border of the State of Kansas ; and they are the routes of trade and commerce for the ingress and egress of citizens of this State, and the States and Territories west of us, and of the great mining districts of the Rocky mountains. And

WHEREAS, The Atchison and St. Joseph Railroad, built almost exclusively by citizens of Kansas, lies in the State of Missouri, now terminating on our eastern border, and over which passes all the mails and merchandize of the States and Territories west of Kansas. And

WHEREAS, This House has what it deems reliable information, that the State of Missouri is now threatening to take the trade of the Atchison and St. Joseph Railroad, and use the rails to build other roads in that State. And

WHEREAS, Such acts would almost destroy the mail facilities and business of this State, and the trade and commerce over the plains and Territories west of us. Therefore,

Resolved, That the Committee on Railroads, be directed to enquire what legislation is necessary to protect the mail facilities and trade and commerce of this State and the Territories west of Kansas, against the threatened wrongs, and report at its earliest convenience by bill or otherwise.

Referred to Judiciary Committee.

Message from the Senate.

MR. SPEAKER:—I am directed, by the Senate to inform the House of Representatives that the Senate have passed Senate Bill No. 28, " An act relating to the boundaries of Douglas county," and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

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Mr. Broadhead offered House Concurrent Resolution No. 10, 'To indemnify the sufferers of Linn and Bourbon counties by reason of Price's raid.'

Mr. Strong offered the following resolution, which was adopted:

Resolved, That the Secretary of State be and hereby is authorized and directed to procure bill files or bill holders for the use of the Clerks and Committees of this House.

Mr. McLellan offered the following resolution:

Resolved, That this House will receive no new Bill, Resolutions or Petitions after the fifth day of February next.

Laid upon the table.

Mr. Fairchild offered the following preamble and resolution:

WHEREAS, By the neglect of those charged with the duty of attending to the transporting the mails on the routes from the city of Topeka to the cities of Atchison and Leavenworth, the duty is performed so negligently and carelessly that it takes from four to eight days to pass a letter over said routes when they should so pass in one day. And

WHEREAS, It is made the special duty by law of the Government Mail Agent, to attend to such matters and remedy the evils, so that the people may be protected thereby, therefore be it

Resolved, That the Government Mail Agent, for the State of Kansas, be requested to give this matter his special and earliest attention and see if this misconduct and negligence indicated cannot some way be remedied.

Resolved, That the Clerk of this House be hereby directed to transmit a certified copy of this preamble and resolutions to the Postmaster General, our Senators and member of Congress, and to Hawkins Taylor, Government Mail Agent.

Mr. Glick of the 31st, moved an amendment, to insert from Topeka to Wyandotte.

On motion, the rules were suspended for the consideration of
"Preamble and Resolution relating to Mail Routes."

By consent the following letter was read:

TOPEKA, January 24th, 1865.

*Hon. A. Danford, Senator ; and Hon. N. E. Strong, Dr. Cleavinger,
D. G. Campbell and Nelson Griswold, Representatives :*

GENTLEMEN:—I am here getting all the information that I can about mail matters, with a view of going to Washington with such information, and through Capt. Clarke and other members of Congress having the present mail service so altered, as to accommodate the people as much as possible, and also have such additional service as the interests of the country require.

The only needed service that your county is interested in, that has come under my notice, is a route from your place to Garnett, but there may be other needed changes.

Will your delegation investigate this matter, and put on paper such suggestions as you may think proper. Capt. Clarke is very anxious to get all the facts that he possibly can. I would be pleased to have you act on these suggestions, and would be pleased to see you at any time.

Yours most truly,

HAWKINS TAYLOR,
Special Mail Agent.

The question being upon the amendment of Mr. Glick of the 31st.

Lost.

So the Resolution was adopted.

Mr. Cook offered the following resolution, which was adopted:

Resolved, That this House extend to Hon. Isaac T. Goodnow, Superintendent of Public Instruction, an invitation to address us on Thursday evening next, upon the subject of Education.

Mr. Glick of the 6th, offered the following resolution, which was adopted.

Resolved, That the Chairman of the Judiciary Committee, is hereby authorized to employ a Clerk for the use of the Committee.

Mr. Moody offered the following resolution, which was adopted :

Resolved, That the use of this Hall be granted this evening to Mr. Langston and others, for the purpose of discussing the impending question of Negro suffrage.

Mr. Goss offered the following resolution, which was adopted :

Resolved, That the Attorney General be requested to furnish to this House as soon as possible his written opinion as to the legality of votes cast by citizens living on Indian Reservations, and if real and personal property on Indian Reservations are subject to the same laws in assessing and collecting taxes as govern such property in other locations.

Mr. Browne offered the following resolution, which was adopted :

Resolved, That the Speaker be authorized to appoint an Assistant Engrossing Clerk whenever his services shall be needed.

Mr. Glick of the 6th, offered the following preamble and resolutions, which were adopted :

WHEREAS, The mails are not carried regularly and with dispatch between the cities of Topeka and Wyandotte. Therefore,

Resolved, That the Postmaster General, and the Government Mail Agent be requested to investigate the matter, and remedy the evil if possible.

Resolved, That the Clerk of this House be directed to furnish the Postmaster General and the General Mail Agent with a copy of the resolution.

On motion, the House adjourned

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

House Bill No. 2, "An act to establish a road, having been presented to the Governor at too late a date after its passage to comply with the provisions of section 14 of the Constitution it was returned, and on motion of Mr. Glick of the 6th, the rules were suspended for first and second reading of Bill No. 2.

On motion of Mr. Glick of the 6th, the rules were suspended and House Bill No. 2 was considered engrossed, and read a third time.

The question being, shall the bill pass? The vote resulted as follows: Ayes 65, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Glick, of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, Moody, O'Brien, Page, Payne, Rawlings, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Stafford, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the bill passed.

The title was agreed to.

Mr. Fairchild offered the following resolution, which was adopted :

Resolved, That Judge G. M. Leland, of Atchison, Kansas, be invited to a seat within the bar of this House.

Mr. West offered the following motion :

MR. SPEAKER :—I move that the vote, by which the report of the Committee of the Whole was agreed to, in regard to House Bill No. 5 be reconsidered.

The motion was lost.

The Resolution, relating to adjournment on the 10th of February, 1865, was taken up.

Mr. Glick of the 6th, moved to lay it upon the table. Upon which motion the ayes and noes were demanded and taken with the following result : Ayes 29, noes 40.

Those gentlemen voting aye, were—

Messrs. Campbell, of the 33d, Christy, Cook, Craig, Darby, Deitrick, Finn, Fletcher, Glick of the 6th, Griswold, Hanway, Harvey, Hodgson, Hughes, Karr, Kennedy, Leland, Loomis, Macdonald, Mize, Morrow, Moody, Rawlings, Snyder, Storch, Stafford, Strong, Throckmorton and Wells

Those gentlemen voting nay, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Church, Coffinberry, Cleavinger, Dutton, Dillie, Draper, Fairchild, Goss, Gwartney, Hendricks, Kohler, Leland, Lowe, Mead, McLellan, O'Brien, Page, Rice, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Sutherland, Stewart, West and Mr. Speaker.

So the motion was lost.

Message from the Senate:

MR. SPEAKER:—The Senate instructs me to inform your Honorable body, that they have passed House Bill No. 2, "An act to establish a Road."

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Throckmorton moved to amend by postponing the consideration of the resolution until the 15th of February, 1865.

Carried.

House Concurrent Resolution, relating to the Santa Fe mail was taken up.

Mr. Glick of the 6th, moved to amend by inserting Postmaster General in place of Postoffice Department.

Carried.

So the Concurrent Resolution was adopted.

Resolution relating to printing of Governor's Message was taken up.

Laid over under the Rules.

Mr. Glick of the 6th, introduced House Bill No. 71, "An act to amend an act entitled an act to establish a code of Criminal procedure."

Read first time.

Senate Bill No. 28, was introduced: "An act relating to the boundaries of Douglas county."

Read first time.

Mr. Cook introduced House Bill No. 72, "An act to amend an act, entitled an act to regulate crimes and punishments against the persons of individuals, approved February 3d, 1859."

Read first time.

Mr. Foster introduced House Bill No. 73, entitled "An act to repeal an act to provide for the sale of School Lands."

Read first time.

Mr. Deitrick introduced House Bills No. 74, entitled "An act to change a certain township line in Doniphan county."

Read first time.

Mr. Macdonald introduced House Bill No. 75, entitled "An act to amend section 32 of an act entitled an act defining the powers and duties of certain State officers," approved June 3d, 1861.

Read first time.

Mr. Smith introduced House Bill No. 76, "An act to amend an act, entitled an act to regulate elections and prescribe the qualifications of voters and to prevent illegal voting, approved May 23d, 1861.

Read first time.

Mr. Snyder introduced House Bill No. 77, "An act to raise means to test the Geological report for coal in this State."

Read first time.

Also House Bill No. 78, "An act to locate and establish a certain State Road."

Read first time.

Mr. Fairchild introduced House Bill No. 79, "An act in regard to the limitations of actions."

Read first time.

Also House Bill No. 80, "An act defining the liabilities of common carriers."

Read first time.

Mr. Callen introduced House Bill No. 81, "An act to amend an act entitled an act to establish the western boundary of the county of Davis."

Read first time.

Mr. Cook introduced House Bill No. 82, "An act to amend an act entitled an act to regulate elections, and to prescribe the qualifications of voters and to prevent illegal voting, approved May 23d, 1861.

Read first time.

Mr. Campbell of the 31st, introduced House Bill No. 83, "An act to establish a certain State Road."

Read first time.

Mr. West introduced House Bill No. 84, "An act to locate a certain State Road."

Read first time.

Mr. Rice introduced House Bill No. 85, "An act to appropriate road money in Mound township, Miami county, for School purposes."

Read first time.

Mr. Hughes introduced House Bill No. 86, "An act to amend an act entitled an act to establish the eastern boundary of Dickinson county."

Read first time.

Mr. Abraham introduced House Bill No. 87, "An act to provide for the appointment of a Commissioner to make deeds in behalf of the Americus Town Company."

Read first time.

Mr. O'Brien introduced House Bill No. 88, "An act authorizing

County Commissioners to make certain appropriations."

Read first time.

Mr. Cavender introduced House Bill No. 89, "An act establishing the northern boundary of Anderson county."

Read first time.

On motion the rules were suspended for second reading of Bills.

House Bill No. 71, was read second time, and

Referred to Judiciary Committee.

Also Senate Bill No. 28, was read second time, and

Referred to Committee on County Lines and County Seats.

Also House Bill No. 72, was read second time, and

Referred to Committee on Judiciary.

Also House Bill No. 73, was read second time, and

Referred to Committee on Education.

Also House Bill No. 74, was read second time, and

Referred to Committee on County Lines and County Seats.

Also House Bill No. 75, was read second time, and

Referred to Committee on Judiciary.

Also House Bill No. 76, was read second time, and

Referred to Committee on Elections.

Also House Bill No. 77, was read second time, and

Referred to Committee on Ways and Means.

Also House Bill No. 78, was read second time, and

Referred to Committee on Roads and Highways.

Also House Bill No. 79, was read second time, and

Referred to Committee on Judiciary.

Also House Bill, No. 80, was read second time, and

Referred to Committee on Judiciary.

Also House Bill No. 81, was read second time, and

Referred to Committee on County Seats and County Lines.

Also House Bill No. 82, was read second time, and

Referred to Committee on Elections.

Also House Bill No 83, was read second time, and

Referred to Committee on Roads and Highways.

Also House Bill No. 84, was read second time, and

Referred to Committee on Roads and Highways.

Also House Bill No. 85, was read second time, and

Referred to Committee on Education.

Also House Bill No. 86, read second time, and

Referred to Committee on County Seats and County Lines.

House Bill No. 87, was read second time, and

Referred to Committee on Judiciary.

House Bill No. 88, was read second time, and

Referred to Committee on Ways and Means.

House Bill No. 89. was read second time, and

Referred to Committee on County Seats and County Lines.

House Bill No. 1, "An act to prevent enlistments in this State upon the quota of any other State," was taken up and read third time.

Mr. Glick of the 6th, moved to reconsider the motion by which House Bill No. 1, was ordered to a third reading, and that the Bill be referred back to the Committee of the Whole.

Carried.

House Bill No. 8, "Concerning liabilities of Hotel Keepers," was read third time.

The question being shall the Bill pass?

The vote resulted as follows: Ayes 65, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Foster, Fletcher, Glick, of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, Page, Payne, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

Mr. O'Brien voted no.

A constitutional majority having voted aye, so the bill passed.

The title was agreed to.

House Bill No. 19, "An act concerning the duties of County

Treasurers," was read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 63, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Smith, Snyder, Sutherland, Storch, Stratton, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 26, "An act detaching the counties of Saline, Dickinson and Ottawa from the county of Davis, and attaching the counties of Dickinson and Ottawa to the county of Saline," was read a third time.

The question being shall the Bill pass?

The roll was called, and resulted as follows: Ayes 60, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd,

Snyder, Sutherland, Storch, Stafford, Stewart, Throckmorton, Wells, West, and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 37, "An act to change a certain State road," was read a third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes, 59, noes 1.

Those gentlemen voting aye were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinburry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairechild, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hendricks, Hodgson, Hughes, Karr, Kennedy, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Rice, Rogers, Salisbury, Seudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stewart, Throckmorton, Wells, West, and Mr. Speaker.

Mr. Russell voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 38, "An act to attach Greenwood county to Lyon county for judiciary purposes," was read a third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 64, noes none.

Those gentlemen voting aye were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Camp-

bell of the 33d, Campbell of the 51st, Cavender, Christy, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 50, "An act to authorize Franklin county to issue bonds to build a Jail," was read a third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 63, noes none.

Those gentlemen voting aye, were—

Messrs. Atwood, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 42, "An act to vacate certain Streets and Alleys in Sumner," was read third time.

The question being, shall the Bill pass?

The vote resulted as follows : Ayes 63, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Rawlings, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 56, "An act defining the duties of County officers," was read a third time.

The question being, shall the Bill pass?

The vote resulted as follows : Ayes 65, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell, of the 33d, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Rice, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 2, "An act to locate a State road," and find the same correctly enrolled.

H. RICE,
Chairman.

House Bill No. 48, "An act to amend an act providing for Joint Conventions of the two Houses of the Legislature," was read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 56, noes 8.

Those gentlemen voting aye were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dillie, Fairchild, Finn, Foster Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, O'Brien, Page, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Stafford, Strong, Throckmorton and Wells.

Those gentlemen voting nay, were—

Messrs. Coffinberry, Dutton, Rawlings, Rice, Storch, Stewart, West and Mr. Speaker.

A constitutional majority having voted aye, so the bill passed.

The title was agreed to.

On motion, the House adjourned.

MORNING SESSION,

TOPEKA, JAN. 25, 1865, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Browne, Draper, Griswold, Houts, Jordon, Riddle, Russell and Seudder.

Prayer by Father De Fouri.

Leave of absence was granted to Mr. Spencer.

Journal of yesterday read and approved.

Mr. Foster moved that the House proceed to a consideration of the contested election case of the 26th District.

A call of the House was ordered.

Absentees were brought in, and further proceedings under the call were dispensed with.

Leave of absence was granted Mr. Houts.

By consent Mr. Glick of the 31st, introduced the following resolution.

Resolved, By the House of Representatives of the State of Kansas that our thanks are due to the Hon. D. R. Anthony for his kindness in furnishing this House with the *Daily Bulletin*.

By consent, Mr. Glick of the 6th, offered the following resolution, which was adopted:

Resolved, That the Attorney General be requested to furnish this House with his written opinion as to the constitutionality of section 9 of an act providing for the assessment and collection of taxes, approved February 27, 1860.

Mr. Rice, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, have this day presented to the Governor for his signature House Bill No. 2, "An act to locate a State Road."

H. RICE,
Chairman.

Mr. Glick of the 31st, moved to adopt the report of the Committee on Elections, on the contested case from the 26th District.

Mr. Strong moved to lay the whole matter on the table.

Mr. Glick of the 6th, moved that the House adjourn, upon which the ayes and noes were demanded and taken with the following result: Ayes 9, noes 61.

Those gentlemen voting aye, were—

Messrs. Atwood, Broadhead, Campbell of the 33d, Deitrick, Glick of the 6th, Gwartney, O'Brien, Perry and Shepherd.

Those gentlemen voting nay, were—

Messrs. Abraham, Browne, Callen, Campbell of the 51st, Cayender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kennedy, Kohler, Leland, Leonard, Lowe, Loomis, MacDonald, Martindale, Mead, Mize, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Smith, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

And so the motion to adjourn was lost.

The question being upon the motion to lay upon the table.

Mr. Russell claimed that there was no second to the motion.

The Speaker decided that there was a second.

Mr. Russell appealed from the decision of the Chair.

Mr. Foster moved to adjourn, upon which the ayes and noes were demanded and taken, with the following result: Ayes 19, noes 51.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Browne, Campbell of the 33d, Church, Deitrick, Foster, Fletcher, Glick of the 31st, Goss, Gwartney, Hodgson, Moody, O'Brien, Payne, Perry, Rogers, Salisbury and Shepherd.

Those gentlemen voting nay, were—

Messrs. Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Finn, Glick of the 6th, Griswold, Hanway, Harvey, Hendricks, Hughes, Karr, Kennedy, Kohler, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrow, McLellan, Page, Rawlings, Rice, Russell, Sammons, Scudder, Smith, Snyder, Sutherland, Storeh, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

So the motion to adjourn was lost.

Mr. Broadhead moved to reconsider the vote, by which the House refused to adjourn.

Mr. Strong moved that the motion to reconsider be laid on the table.

On motion, the House adjourned

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called

Message from the Senate:

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives that the President of the Senate has appointed Hon. M. Quigg as a member of the Penitentiary Committee on the part of the Senate.

A. SMITH DEVENNEY,
Secretary of the Senate.

Message from the Governor.

STATE OF KANSAS, EXECUTIVE OFFICE, }
January 25th, 1865. }

To the House of Representatives:

I have approved House Bill No. 2, "An act to establish a Road."
S. J. CRAWFORD.

Mr. Moody moved that Messrs. Langston and Burnham be invited to seats within the bar of the House.

Mr. Broadhead moved that the rules be suspended for the purpose of considering the motion, upon which the ayes and noes were demanded and taken with the following result: Ayes 27, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Coffinberry, Darby, Dutton, Fairchild, Fletcher, Goss, Hodgson, Leland, Leonard, Lowe

Loomis, Mead, McLellan, Moody, Page, Payne, Rawlings, Rogers, Smith, Storch, Stafford, Stewart and West.

Those gentlemen voting no, were—

Messrs. Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Cook, Cleavinger, Craig, Deitrick, Draper, Finn, Foster, Glick of the 6th, Glick of the 31st, Griswold, Hanway, Harvey, Hendricks, Hughes, Karr, Kennedy, Kohler, Martindale, Mize, Morrow, O'Brien, Perry, Rice, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Strong, Throckmorton, Wells and Mr. Speaker.

So the motion to suspend the rules was lost.

Mr. Foster moved to proceed to a consideration of the contested election case from the 26th District.

Carried.

By consent the following message from the Senate, was taken up:

MR. SPEAKER:—I am directed to inform the House that the Senate have passed Senate Concurrent Resolution, No. 18, concerning Railroads, and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Glick of the 6th, moved to amend by inserting after the word "*Resolved*" "by the Senate, the House concurring."

Carried.

And the Resolution, as amended, was adopted.

Mr. Broadhead moved to adopt the report of the Committee on Elections on the contested case from the 26th District, upon which the ayes and noes were demanded and taken with the following result: Ayes 57; noes 12.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Campbell of the 33d,

Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Gwärtney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Kennedy, Leland, Leonard, Lowe, Loemis, Macdonald, Martindale, Mead, Morrow, McLellan, Moody, O'Brien, Payne, Perry, Rawlings, Rogers, Russell, Salisbury, Shepherd, Smith, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells and West.

Those gentlemen voting no, were—

Messrs. Callea, Cleavinger, Darby, Griswold, Karr, Kohler, McLellan, Page, Rice, Sammons and Scudder.

So the motion to adopt the report of the Committee was carried.

Mr. Kennedy came forward and was sworn in.

Mr. Broadhead moved that Mr. Kennedy's name be placed on the roll, and the several Committees to which Mr. Mize belonged.

Carried.

Mr. Broadhead offered the following resolution, which was adopted:

Resolved, That Mr. Mize shall be entitled to his mileage and per diem as a member of this House, while acting in that capacity.

Mr. Strong, by consent, offered the following resolution:

Resolved, That the Secretary of State be and he is, hereby authorized and instructed to procure for the chairmen of the several House Committees, one copy each of the Kansas State Reports.

Mr. Foster moved to amend by inserting one for each member of the House.

Mr. Russell moved as an amendment, that they be returned to the Secretary of State, when the House adjourned.

The resolution was laid on the table.

Mr. Browne presented the petition of George Powers and 106 other citizens of Shawnee, Osage and Franklin counties, praying for the location of a State road from Topeka to Fort Scott.

Referred to Committee on Roads and Highways.

Mr. Craig, from Committee on Education, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 85, entitled " An act to appropriate road money in Mbound township, Miami county, for School purposes, have had the same under consideration, and beg leave to report the same back and recommend its passage.

WARNER CRAIG,

Chairman.

Mr. Broadhead, from Committee on Federal Relations, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Resolutions; enquiring as to whether the State militia with Gen. Curtis on the Indian Expedition in July, 1864, will probably be paid by the General Government, would respectfully report that your Committee has not conferred with the Committee on Militia as directed, though they have sought such conference; but that your Committee has obtained such information from the Adjutant General of the State, as he had in the premises; and that no measures have been taken by the General Government for the payment of said claims that we can learn. If your Committee were expected to have opened a correspondence with the A. A. G. of Gen. Curtis, we would respectfully state that no such correspondence has been had. All of which is respectfully submitted.

J. F. BROADHEAD,

Chairman.

MR. SPEAKER :—Your Committee on Judiciary, to whom was referred the Petition of John Grable and others, for increase of jurisdiction of Justices of the Peace, respectfully report against the prayer of the petitioners, and request that the Committee be discharged from further consideration of the same.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill No. 79, entitled "An act in relation to the Limitation of Actions," report the same back to the House, and recommend its rejection, on the ground that the same is now fully provided for by the 31st section of the Code of Civil Procedure.

The second section of this Bill is the one to which the drawer attached the most importance.

It has been generally supposed, and so held in the courts of England, that a promise or payment made by one joint debtor took the case out of the Statute of Limitations and revived the debt against the other joint obligors. This is the difficulty sought to be remedied by the second section of this Bill. The theory of the English courts, under which the rulings indicated were made, was on the hypothesis that Statutes of Limitation were Statutes of Resumption, and that anything, such as an admission of the indebtedness or payment of any part of it, rebutted that presumption and revived the debt. The theory of our courts and of England now is, that the Statute of Limitations, are Statutes of repose, and when a debt is once barred, it is barred for all time, unless renewed by a new contract predicated on the consideration of the old one. In this latter view, the courts now hold that the revival of the barred contract by payment or promise is personal to the one making the payment or promise, and that it does not effect any other joint debtor or obligor. This was always the rule in this country and in England in case of the death of a joint obligor or debtor, and that payment or promise of the living debtor could not revive the debt against the estate of the deceased debtor. The courts have now adopted this rule, in all cases, and such has been the ruling on the 31st section of our code of Civil Procedure.

See Angell on Limitations, in the case of Van Kuesen vs. Parmelee 2d. N. Y. R. 523. The Supreme Court of New York has given this question an elaborate investigation, and has settled this question as I have indicated above.

In that case, speaking of the power of one joint debtor, to bind his co-debtor, the court says: Payment is nothing more than ad-

mission that the debt is due, and like any other admission it can only affect the party who makes it, unless he has authority to speak for others as well as himself. A joint debtor has no such authority. It cannot be inferred justly from the relation which he sustains to the other joint debtors, and though he may conclude himself by an admission, he cannot conclude them.

The question has not, as I am aware, been decided by our Supreme Court; but that court, in case it was presented, would be controlled by the constructions and authorities of other courts, on this question, and make its rulings in harmony with the just and sensible rule indicated in the quotation above. Unless they decide otherwise, our code fully meets the difficulty sought to be remedied by this Bill. The Committee, therefore, recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 75, "An act to amend section 32 of an act entitled an act defining the powers and duties of certain State officers," approved January 3d, 1861, report the same back to the House and recommend its rejection, on the ground that the existing laws fully apply to the subject matter of the Bill.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 72, "An act to amend an act entitled an act to regulate crimes and punishments against the persons of individuals," approved February 3d, 1859, report the same back to the House and recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 71, entitled "An act to amend an act entitled an act to establish a code of criminal procedure," have had the same under consideration and beg leave to report the same back and recommend its passage.

G. W. GLICK,

Chairman.

Mr. Strong, from Committee of Ways and Means, made the following reports :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 83, entitled "An act to provide Bounties for Soldiers," have had the same under consideration, and have instructed me to report the same back to the House with the recommendation that the Bill be passed with the following amendments, viz : That section 7 be amended by prefixing thereto the words "The county Commissioners of." That section No. 9 of the original Bill be numbered section 1, and that the following sections be incorporated into the Bill and numbered sections 9 and 10, viz : That in case of the death of the person so enlisting, or being so drafted into the military service of the United States prior to the payment of said bounty, he being a married man, the said sum of two hundred dollars shall be paid to his widow if living, if not, then in equal proportions to his children ; If an unmarried man, and the son of a surviving widow, then the said bounty shall be paid to her.

SEC. 10. The Treasurer of State on proper evidence of the muster into service of any enlisted, drafted man or substitute is hereby authorized to pay to the person entitled thereto out of any funds not otherwise appropriated, the bounty contemplated by this act.

N. Z. STRONG,

Chairman.

MR. SPEAKER :—Your Committee on Ways and Means, to whom was referred the enclosed Resolutions, ask to be discharged from further consideration thereof.

N. Z. STRONG,

Chairman.

On motion, the request of the Committee was granted.

Mr. Sutherland, from Committee on Elections, made the following report :

MR. SPEAKER :—Your Committee on Elections, to whom was referred the contested case in the 54th District, after a careful consideration of the facts in the case, have come to the conclusion that

Mr. Stewart, the present incumbent, is entitled to his seat in this House, all of which is respectfully submitted.

D. H. SUTHERLAND,

Chairman, pro tem.

Mr. Martindale, from Committee on Agriculture, made the following report :

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 60, entitled "An act to prevent the running at large of Bulls, have had the same under consideration, and beg leave to report it back, and recommend that the word "Durham" be inserted in the third section, and printed.

WM. MARTINDALE,

Chairman.

Mr. Dillie, from Committee on State Library, made the following report:

MR. SPEAKER:—Your Committee on the State Library, herewith report back Concurrent Resolution No. 5, relating to the State Library, and recommend the printing and passage of the same.

E. DILLIE,

Chairman.

Mr. Foster presented the claim of Dr. S. E. Martin, for medical service.

Referred to Committee on Claims.

Mr. Browne, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee on Engrossed Bills beg leave to report the following as correctly engrossed: House Bill No. 13, "An act to amend an act, defining the powers and duties of certain State officers."

O. H. BROWNE,

Chairman.

Mr. Russell, from Special Committee, made the following report:

MR. SPEAKER :—Your Committee, to whom was referred House Bill No. 18, entitled "An act to authorize Atchison, Doniphan and Jackson counties to issue bonds for the purpose of building two bridges," have had the same under consideration and beg leave to report it back and recommend that it be printed.

E. RUSSELL,
Chairman.

The following letter was read and ordered spread on the Journals :

TOPEKA, January 25th, 1865.

Hon. Jacob Stotler, Speaker House Representatives :

DEAR SIR :—I see by yesterdays proceeding's of your Honorable body, that I came in for a respectable share of *compliments*. I am used to them since in Kansas. I have made no reply heretofore, and would not reply now only with a hope of being able, by so doing, to impart information, and receive information from your members in return.

The total expenses of the Mail Service in this State for the fiscal year, ending June 30th, 1864, were \$83,735,20, the total receipts for the same period were \$58,644,77, excess of expenditures over receipts \$31,176,87; under this state of facts it will be hard to increase the mail service much, if it increases the expenditures. Still, I hope under the new head of the Postoffice Department, that Kansas will be liberally dealt with, especially if our people show a true spirit of economy in mail matters.

It is always much easier to start any system right than to get it right when wrong. I think that the present expenditures for mail service in the State, can be so modified, and so changed, that the mass of the people will have no reason to complain of want of mail service, and I am here to get information to that end.

I am here getting this information because I feel it to be my duty to do so. But I am also here at the instance of Capt. Sidney Clarke who wants the information to use in your and the people's interest, while at Washington this winter.

Since at Topeka I have been as diligent as I could be in getting

this information from delegations of counties, and from individual members, and I expect to remain here until I get all the information that I can on the subject. And to that end, I invite all the members, and others interested, to give me all the information on mail matters in their power, that it may be used in their interest.

I have generally found mail carriers prompt and in time. There is less excuse for delay in this State than in any other, because of better roads than in any other State.

So far as Post Masters are concerned, I have found them with few exceptions earnest in doing their duty. But you must recollect that but few Postmasters in the State have sufficient compensation to pay them for their trouble of holding the office. The result is that changes are frequent, and but few Postmasters are acquainted with the locality of the other postoffices. The consequence is that mail matter is continually being mis-sent—time will remedy this evil. I will do, and have done all that I could in that direction. The people in the northern part of the State have much reason to complain at their want of mail accommodations, and no man in that part of the State has complained more than I have in their interest to the Department at Washington.

While the Government is paying nearly a million of dollars for a daily Overland mail passing nearly across Kansas it is of little benefit so far as mail service is concerned to the people of the State. I have the promise of the Department that this shall be remedied.

The Kansas Stage Company, have, as a rule, fully done their duty and complied with their contracts, yet in the case of Route No. 14177, from Atchison to Topeka, they have acted badly to the people along the route and to the Postoffice Department, and since I first came to Kansas, I have done and said all that I could both to the Department and to the proprietors of the Stage Company to remedy the evil, and I am not without hope that the Company will soon do their duty to the Postoffice Department, and the people on that route.

Just as soon as cars can be provided, the mail will be carried on

the Railroad, from Lawrence to Wyandotte, and will go through in one day between Topeka and Wyandotte.

In conclusion, I again repeat, that I desire all the information that I can get from the members of the Honorable Legislature that can in any way benefit the mail service in the State that it may be used at Washington in your and the people's interest.

I remain your ob't. servant,

HAWKINS TAYLOR.

The following message from the Senate was taken up :

MR. SPEAKER :—I am directed by the Senate to inform your Honorable body, that the Senate have passed the following Senate Concurrent Resolution No. 19, and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

WHEREAS, The State of Kansas did expend twelve thousand and four hundred dollars in raising and subsisting the first and second Regiments of Kansas Volunteers, before the same were mustered into the United States service, and whereas the twelve thousand four hundred dollars, have not been refunded by the General Government to the State of Kansas, as has been the case for similar advancements by other States; therefore

Resolved, By the Senate, the House concurring, that the Treasurer of the State of Kansas be and he is hereby directed to proceed to Washington and secure the same, and he is hereby empowered, in the name of the State of Kansas, to receive and receipt for the same.

Mr. Russell moved to amend by striking out "Treasurer of State," and inserting "Hon. S. C. Pomeroy."

Carried.

The Resolution, as amended, was adopted.

Message from the Senate.

MR. SPEAKER:—I am directed to inform the House that the Senate have passed Senate Bill No. 39, "An act for the protection of Farmers," and ask your concurrence therein; also Senate Concurrent Resolution No. 22, "Extending a vote of thanks to Major General Curtis," and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed to inform the House that the Senate have passed the following Senate Concurrent Resolution No. 17, and ask your concurrence therein; also Senate Bill No. 2, and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives that the Senate have passed Senate Concurrent Resolution No. 20, memorializing Congress for a grant of Land for Railroad purposes, etc.

Also passed Senate concurrent Resolution No. 8, in relation to driving Indian cattle through the State of Kansas, etc.

Also passed Senate Bill No. 14, "An act making appropriations for the rent of Capitol Buildings."

Also passed Senate Bill No. 15, "An act making appropriations for Legislative expenses of 1865," and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

Senate Concurrent Resolution No. 20, was ordered printed:

Mr. Russell offered the following resolution:

Resolved, That no original resolution and motions, heretofore acted upon, be received and acted upon by the House except on Tuesdays, Thursdays and Saturdays of each week, except by two-thirds vote of this House.

On motion, the Resolution was laid on the table.

Mr. Russell offered the following resolution, which was adopted :

Resolved, That Messrs. Morse and Kimball, of Emporia, be invited to seats within the bar.

Mr. Finn offered the following resolution, which was adopted :

Resolved, That the chairman of the Committee of Ways and Means be empowered to appoint a Clerk for said Committee.

Mr. Storch offered a resolution in regard to the failure to deliver certain mails.

Referred to Committee on Federal Relations.

Mr. Moody offered the following resolution, which was adopted :

Resolved, That the Attorney General be requested to give to this House at as early a date as possible, his opinion as to the constitutionality of an act to establish the south boundary line of Woodson county, passed at the first session of the State Legislature.

Mr. Russell offered the following resolution, which was adopted :

Resolved, That the Doorkeeper be instructed to sweep out each day immediately after the afternoon adjournment.

Mr. Glick of the 31st offered the following resolution :

Resolved, That the Sergeant-at-Arms of this House be directed to explain why he has not complied with the order of this House, to furnish members with copies of the printed rules.

On motion, the resolution was laid on the table.

Mr. Russell offered the following resolution :

Resolved, That Messrs. Langston and Burnham, friends of universal freedom, be invited to seats within the bar.

On motion the House adjourned.

MORNING SESSION.

TOPEKA, JAN. 26, 1865, 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair

Roll called.

Quorum present.

Absentees—Messrs. Benton, Cleavinger, Darby, Draper, Glick of the 6th, Griswold, Gwartney, Harvey, Jordon, Kennedy of the 36th, Kennedy of the 26th, Macdonald, Riddle, Russell, Sammons, Stafford and Stratton.

Prayer by Rev. Mr. Morse.

Journal of yesterday read and approved.

By consent, Mr. Strong, from Committee on Ways and Means, made the following report:

MR. SPEAKER:—Your Committee on Ways and Means, have had under consideration Bill No. 77, entitled "An act to raise means to test the geological reports for Coal in this State," and recommend its rejection.

N. Z. STRONG,

Chairman.

MR. SPEAKER:—Your Committee on Ways and Means, have had under consideration House Bill No. 88, entitled "An act authorizing County Commissioners to make certain appropriations, and recommend that it be printed.

N. Z. STRONG,

Chairman.

Mr. Leland moved to adopt the report of the Committees on Elections, in regard to the 54th District.

On motion of Mr. Moody, Mr. Newberry was admitted as attorney for Mr. McClure, the contestant.

On motion, Mr. McClure was invited to a seat within the bar.

The parties introduced their testimony, argued and submitted the case.

On motion of Mr. Glick of the 31st, the House adjourned, with the understanding that the contested election case pending, should be the special order for 2 P. M.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Broadhead moved a call of the House.

Carried.

The Sergeant-at-Arms returned with absentees, and on motion of Mr. Broadhead, further proceedings under the call were dispensed with.

By consent, the following opinion of the Attorney General was read:

ATTORNEY GENERAL'S OFFICE, }
TOPEKA, January 26, 1865. }

My opinion has been requested by your Honorable body as to the legality of votes cast by persons living on Indian Reservations, and if real and personal property of such persons are subject to taxation.

I would respectfully call your attention to section 4 of the act admitting Kansas into the Union. By that section it will be seen that no Indian Reservation can be included within the limits of this State, where by express provision in a treaty such Reservation is to be excluded from the Territorial limits, or jurisdiction of any State or Territory, but where there is no such provision, then these Indian Reservations are embraced within the boundaries of this State and become a portion thereof, and white men residing thereon and otherwise possessing the qualifications of electors are legal voters. This question has been settled by the Supreme Court of this State, in the case of McCracken vs. Todd. If the Indian title is not extinguished in these Reservations the land cannot be taxed. I am also of the opinion that the personal property of persons other than Indians, residing on an Indian Reservation, is liable to taxation, for if the processes of the courts of this State can be legally executed anywhere within the limits of the State on an Indian Reservation, except those Indian Reservations that are by treaty stipulations to be excluded from any State or Territory, there can be no valid reason why the State cannot legally provide for taxing the personal property of such persons and enforcing the collection of the same.

Very Respectfully,

J. D. BRUMBAUGH,

Attorney General.

The question being upon the motion to adopt the report of the Committee on Elections, with regard to the contested case from the 54th District,

The motion prevailed.

Mr. O'Brien offered the following resolution, which was adopted:

Resolved, That in high appreciation of the services of Kansas regiments, their veteran flags now in this Hall be re-transferred to

the office of the Adjutant General, and there carefully preserved as valued relics, not to be removed therefrom without the order of the Governor.

Mr. Stafford offered the following resolution, which was adopted:

Resolved, That a Special Committee of five be appointed to enquire into and report to this House at an early day the facts connected with the organization of Neosho county; the number of votes purporting to have been cast at the late general election in the county of Neosho for D. Rogers; how many, if any, of said voters were non-residents of said county; and whether D. Rogers, who has a seat in this House as a representative from the 79th Representative District, was at this time a resident of said county of Neosho, and entitled to a seat in this body.

Said Committee to have power to send for persons and papers.

Mr. Browne moved that the opinion of the Attorney General be printed.

Carried.

Mr. Glick of the 31st moved that the vote by which Mr. Mize was allowed per diem and mileage be reconsidered.

Mr. Russell moved to lay the motion on the table, upon which the ayes and noes were demanded and taken with the following result: Ayes 64, noes 3.

Those gentlemen voting aye were—

Messrs. Abraham, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Goss, Griswold, Hanway, Harvey, Hendricks, Hodgson, Hughes, Karr, Kennedy of the 26th, Kennedy of the 36th, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Mize, Morrew, McLellan, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Strong,

Stewart, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Foster, Fletcher, Glick of the 31st.

So the motion prevailed.

The following message from the Senate was taken up and considered:

MR. SPEAKER:—I am directed to inform the House of Representatives that the Senate non-concur in House amendments to Senate Concurrent Resolution No. 19, authorizing the State Treasurer to receive certain moneys from the General Government, now due the State of Kansas.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Broadhead moved to recede from House amendments to Senate Concurrent Resolution No. 19.

Mr. Russell moved to refer the Resolution to the Committee on Ways and Means.

Carried.

Mr. Russell offered the following resolution:

Resolved, That no original motions or resolutions be received or acted on except upon Tuesdays, Thursdays and Saturdays of each week, and that no resolutions, except Joint Resolutions offered on a previous day, shall be acted on except on the day aforesaid.

On motion, the resolution was laid on the table.

Mr. Strong offered the following resolution:

Resolved, That Mr. McClure be allowed the usual per diem and mileage of this House to this date.

Laid over under the rules.

Mr. Dillie introduced House Concurrent Resolution No. 12, con-

cerning a Railroad from Wyandotte to Fort Scott.

Mr. Russell offered the following resolution :

Resolved, That Messrs. Langston and Burnham, friends of universal freedom, be invited to seats within the bar.

Laid over under the rules.

House Concurrent Resolution No. 3, was taken up, and the original Resolution adopted.

House Concurrent Resolution No. 10, was taken up, and on motion referred to Committee on Ways and Means.

Senate Concurrent Resolution No. 8, was taken up, and on motion,

Referred to Committee on Federal Relations.

Senate Concurrent Resolution No. 17, was taken up, and on motion, adopted.

Mr. Smith presented account of L. Weil against the State of Kansas for translating the Governor's Message for 1864.

Referred to Committee on Claims.

Mr. Fletcher introduced House Bill No. 90, "An act supplemental to an act entitled an act to establish and define the jurisdiction of the Probate Court.

Read first time.

Also House Bill No. 91, "An act to consolidate certain county officers and supplemental and amendatory to an act entitled an act relating to counties and county officers, and to repeal all acts in conflict with this act.

Read first time.

Also House Bill No. 92, "An act to provide a salary for the County Treasurer," and to repeal all laws inconsistent therewith.

Read first time.

Mr. Christy introduced House Bill No. 93, "An act entitled an act to amend an act to change the time of holding the annual district school meeting."

Read first time.

Also House Bill No. 94, "An act to locate a certain State road."

Read first time.

Also House Bill No. 95, "An act to establish the south line of Allen county."

Read first time.

Mr. Hendricks introduced House Bill No. 96, "An act to amend an act entitled an act for the relief of occupying claimants of land."

Read first time.

Mr. Kohler introduced House Bill No. 97, "An act to establish a State road."

Read first time.

Mr. West introduced House Bill No. 98, "An act to locate a certain State road."

Read first time.

Mr. McLellan introduced House Bill No. 99, "An act to encourage the destruction of Wolves and Wild Cats."

Read first time.

Mr. Snyder introduced House Bill No. 100, "An act to prohibit the running at large of stock in cities and towns."

Read first time.

Also House Bill, No. 101, "An act to authorize the District Judges to appoint a Board of Auditors to investigate the situation of the affairs of the county and the acts and proceedings of the County Commissioners."

Read first time.

Mr. Leonard introduced House Bill No. 102, "An act to define the boundaries of Marion county."

Read first time.

Mr. Goss introduced House Bill No. 103, "An act authorizing County Commissioners to let the building of bridges."

Read first time.

Mr. Glick of the 31st, introduced House Bill No. 104, "An act to change the southern boundary of the county of Wyandotte."

Read first time.

Mr. Spencer introduced House Bill No. 105, "An act supplemental to an act entitled an act for the regulation and support of Common Schools."

Read first time.

Mr. Atwood introduced House Bill No. 106, "An act authorizing Township Trustees to levy a tax for the purpose of building a Town House."

Read first time.

Mr. Page introduced House Bill No. 107, "An act to locate a certain State road."

Read first time.

Mr. Stratton introduced House Bill No. 108, "An act to at-

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tach a portion of Leavenworth county to Johnson county."

Read first time.

Mr. Hughes introduced House Bill No. 109, "An act supplemental to an act entitled an act to regulate the taking up and posting of strays."

Read first time.

House Bill No. 13, "An act to amend an act defining the powers and duties of certain State officers."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 70, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Hendricks, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Lowe, Loomis, Martindale, Mead, Morrow, McLellan, Moody, O'Brien, Page, Payne, Perry, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

By consent, the Resolution relative to appointing a Clerk for Committee on Ways and Means, was taken up, and on motion, adopted.

On motion, the House adjourned.

MORNING SESSION.

TOPEKA, JAN. 27, 1865, 10 o'clock A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Atwood, Fletcher, Glick of the 6th, Leland, Lowe, Russell and Stratton.

Prayer by Rev Mr. Hawley.

Journal of yesterday read and approved.

Speaker announced, as Committee on Pacific Railroad, on the part of the House, Messrs Throckmorton, Glick of the 31st, Callen, Swift, Macdonald, Benton and Smith.

By consent, Mr. Page, from Committee on County Seats and County Lines, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 74, "An act entitled an act to change a certain township line in Doniphan county," have had the same under consideration, and a majority of them instruct me to report the same back to the House, and recommend its rejection, as County Commissioners have ample jurisdiction in such cases as this law contemplates.

F. R. PAGE,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 89, "An act establishing the northern boundary of Ander-

son county," have had the same under consideration, and a majority of them instruct me to report the same back to the House, without recommendation.

F. R. PAGE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 86, "An act to amend an act entitled an act to establish the eastern boundary of Dickinson county," have had the same under consideration, and a majority instruct me to report the same back to the House with the recommendation that it be printed.

F. R. PAGE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 81, entitled "An act to amend an act entitled an to establish the eastern boundary of Davis county," have had the same under consideration, and beg leave to report the same back and recommend its printing.

F. R. PAGE,

Chairman.

Mr. Browne presented petition of 118 citizens of Shawnee and Douglas counties, praying for a State Road from Topeka to Fort Scott.

Referred to Committee on Roads and Highways.

Mr. Perry presented Remonstrance of Moses Stillians and 94 others against the passage of any law authorizing another vote for the location of the County Seat of Coffey county.

Referred to Committee on County Seats and County Lines.

Mr. Strong, from Committee on Ways and Means, made the following report:

MR. SPEAKER:—Your Committee on Ways and Means, have had under consideration Senate Concurrent Resolution, No. 19, and beg leave to report the accompanying substitute and recommend its passage.

N. Z. STRONG,

Chairman.

MR. SPEAKER:—Your Committee on Ways and Means, have had under consideration House Concurrent Resolution No. 10, and beg leave to be relieved from any further consideration of the subject, and suggest it be more appropriately referred.

N. Z. STRONG,
Chairman.

The Committee was relieved from further consideration.

Mr. Sutherland, from Committee on Roads and Highways, made the following report:

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 22, entitled "A Bill to establish certain roads," would report that they have had the same under consideration, and recommend its passage with amendments.

D. H. SUTHERLAND,
Chairman.

Mr. Craig, from Committee on Education, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 73, entitled "An act to repeal an act to provide for the sale of School Lands," respectfully ask further time to consider the same.

WARNER CRAIG,
Chairman.

Further time was granted.

Mr. Morrow from Committee on Claims, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 16, have has the same under consideration, and direct me to report it back to the House, and recommend that it be printed.

WM. MORROW,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred the claim of J. M. Funk, for seventy-five dollars for services as Door-

keeper of the Wyandotte Constitutional Convention, have had the same under consideration, and direct me to report it back with the recommendation that it be allowed.

Also the claim of L. Weil, for one hundred dollars for translating the Message of Governor Carney, be not allowed.

Also the Claim of J. W. Jones, for three hundred and eighty-three dollars for services as physician to convicts in State Penitentiary be not allowed.

Also claim of G. J. Park, for one hundred and four and sixty-five hundredths dollars for medicines furnished State Penitentiary, be allowed.

WM. MORROW,
Chairman.

Mr. Russell moved that the Reports of the Committee on Claims that are allowed, be

Referred to Committee on Ways and Means.

Carried.

Mr. Riddle, from Committee on Elections, made the following report :

MR. SPEAKER :—Your Committee on Elections have had under consideration House Bill No. 76, and recommend its passage.

R. RIDDLE,
Chairman.

Also House Bill No. 82, and recommend its passage.

R. RIDDLE,
Chairman.

COMMUNICATION FROM THE ATTORNEY GENERAL.

ATTORNEY GENERAL'S OFFICE, }
TOPEKA, January 27, 1865. }

To the House of Representatives :

I have received a copy of a Resolution passed by the House of Representatives on the 25th instant, requesting my opinion as to

the constitutionality of an act of the first Legislature, under the Constitution, entitled "An act to establish the south boundary line of Woodson county, approved June 3d, 1861." By referring to section 24 of the schedule to the Constitution, you will find that the first Legislature were expressly prohibited from making any changes in County Lines.

By section 14 of the Act fixing county boundaries, page 40 of the Statutes of 1857, the county of Woodson was organized with clearly defined boundaries, and the south boundary line was some distance south of the north boundary line of the Osage Indian Reservation, and the county of Wilson was then organized immediately south of Woodson county only, when in fact it was already established. The act, therefore, not only establishes a new boundary line for Woodson county, but changes the boundary line between the counties of Woodson and Wilson. This being the fact, I am of the opinion that the act of June 3d, 1861, is clearly unconstitutional.

Very Respectfully,

J. D. BRUMBAUGH,

Attorney General

On motion, the opinion of the Attorney General was ordered to be printed.

Message from the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives that the Senate have passed Senate Concurrent Resolution No. 25, and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Glick of the 31st, offered the following resolution, which was adopted:

Resolved, By the House of Representatives of the State of Kansas, that Prof. I. T. Goodnow, State Superintendent of Public Instruction, be requested to inform this House, what, if any, amend-

ments, or additional legislation is required concerning the present school law.

Mr. Hughes offered the following resolution :

WHEREAS, People of African descent, commonly known as negroes, mulattoes and quadroons, are becoming numerous in the Northern States of this Union, and whereas, many prejudices exist in the minds of white persons against such persons of African descent being admitted to all the social and political rights, enjoyments and privileges of the white race in this Union, and

WHEREAS, Discussions and dissensions are likely to arise upon those subjects, between the white male population of the Northern States and the State of Kansas in particular; now, therefore be it

Resolved, That the Representatives of the people of the State of Kansas, express an earnest hope and desire that the State of South Carolina may be set apart as a place of refuge, and home for said persons of African descent now in the United States.

Resolved, That copies of this Resolution be sent to our Senators and Representative in Congress, and to the President of the United States.

Mr. Strong moved that the Resolution be made the special order for the 5th of March next.

Mr. Broadhead moved that the motion be laid on the table.

Lost.

The question recurring on Mr. Strong's motion, it was last.

And the Resolution laid over under the rule.

Mr. Russell offered the following resolution, which was adopted :

Resolved, That the order of business of the House be followed through from one day to another, till the orders be all passed through, instead of beginning at the commencement of the order of business each morning. This resolution shall become a part of our rules for the rest of the session.

Mr. Wells offered the following resolution :

Resolved, That the Committee on Claims be requested to enquire into the amount of money paid to certain newspapers in this State by the Insurance Company established in Leavenworth, to insure against the draft, for advertising that there will certainly be a draft in this State on the 15th of next month.

On motion, the resolution was laid on the table.

Mr. Browne offered the following resolution :

WHEREAS, The Sergeant-at-Arms has not been able to obtain a sufficient number of maps to supply each member of this House as ordered; therefore,

Resolved, That he be directed to supply the chairman of each Committee with a copy, and that he be further directed to supply other members as soon as he is able to obtain a sufficient number.

Laid over under the rules.

The following Resolution was taken up :

Resolved, That Mr. McClure be allowed the usual per diem and mileage of members of this House to this date.

Mr. Cavender moved to lay the Resolution on the table.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 9, noes 60.

Those gentlemen voting aye were—

Messrs. Cavender, Cook, Houts, Karr, Leonard, Martindale, Rice, Seudder, and West.

Those gentlemen voting no, were—

Messrs. Abraham, Atwood, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Christy, Church, Coffinberry, Cleavinger

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Craig, Darby, Deitrick, Dutton, Dillie, Fairchild, Finn, Foster, Fletcher, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hodgson, Hughes, Jordon, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Lowe, Loomis, Macdonald, Mead, Morrow, McLellan, Moody, Page, Payne, Perry, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Shepherd, Smith, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton and Wells.

And so the motion was lost, and the Resolution adopted.

House Concurrent Resolution No. 12, concerning Railroad from Wyandotte to Fort Scott, was taken up.

Mr. Broadhead moved to amend by inserting after the word "Olathe," the words "Paola and Mound City."

Carried.

On motion the Resolution was referred to Standing Committee on Railroads.

The Resolution in reference to inviting Messrs. Langston and Burnham to seats within the bar, was taken up and considered.

Mr. Foster moved to lay the Resolution under the table.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 41, noes 31.

Those gentlemen voting aye, were—

Messrs. Campbell of the 51st, Cook, Cleavinger, Craig, Dutton, Dillie, Finn, Foster, Fletcher, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Leonard, Lowe, Loomis, Martindale, Mead, Morrow, O'Brien, Perry, Rawlings, Riddle, Rice, Sammons, Salisbury, Shepherd, Snyder, Sutherland, Throckmorton, Wells, and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Cavender, Christy, Church, Coffinberry, Darby, Deitrick, Fairchild, Harvey, Hughes, Kohler, Leland, McLellan, Moody, Page, Payne, Rogers, Russell, Scudder, Smith, Storch, Stafford, Stratton, Strong, Stewart, and West.

So the motion to lay *under* the table prevailed.

Mr. Strong introduced House Bill No. 110, "To provide for the current expenses of the year 1865."

Read first time.

Mr. Broadhead introduced House Bill No. 111, "An act creating a Court of Common Pleas and prescribing the duties of the same."

Read first time.

Also House Bill No. 112, "An act to repeal sections, 39, 40 and 41 of an act entitled an act relating to counties and county officers."

Read first time.

Mr. Morrow introduced House Bill No. 113, "An act to repeal section 2 of an act entitled an act extinguishing the titles of the State to the Capitol property at Lecompton."

Read first time.

Also House Bill No. 114, "An act to locate a portion of a certain State road."

Read first time.

Mr. Riddle introduced House Bill No. 115, "An act supplemental to an act regulating Crimes and punishment of Crimes against the persons of individuals."

Read first time.

Mr. Foster introduced House Bill No. 116, "Exempting certain property from taxation."

Read first time.

Senate Bill No. "An act to amend an act to enable Trustees of Colleges and Academies, Universities and other Institutions, Societies and Companies to become bodies Corporate," was

Read first time.

Senate Bill No. 14, "An act making appropriations for the rent of Capitol Buildings," was

Read first time.

Mr. Fletcher moved that the rules be suspended for second reading of Senate Bill No. 14.

Lost.

Senate Bill No. 15, "An act making appropriations for the current Legislative expenses for the year A. D. 1865," was

Read first time.

Senate Bill No. 39, "An act for the protection of Farmers," was

Read first time.

House Bills Nos. 90, 91 and 92, were read second time, and

Referred to Committee on Judiciary.

House Bill No. 93, was read second time, and

Referred to Committee on Education.

House Bill No. 94, was read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 95, was read second time, and

Referred to Committee on County Seats and County Lines.

House Bill No. 96, was read second time, and

Referred to Committee on Judiciary.

House Bills Nos. 97 and 98, were read second time, and

Referred to Committee on Roads and Highways.

House Bills Nos. 99, and 100, were read second time, and

Referred to Committee on Agriculture.

House Bill No. 101, was read second time, and

Referred to Committee on Judiciary.

House Bill No. 102, was read second time, and

Referred to Committee on County Seats and County Lines.

House Bill No. 103, was read second time, and

Referred to Committee on Judiciary.

House Bills Nos. 104 and 108, were read second time, and

Referred to Committee on County Seats and County Lines.

House Bill No. 105, was read second time, and

Referred to Committee on Education.

House Bill No. 106, was read second time, and

Referred to Committee on Judiciary.

House Bill No. 107, was read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 109, was read second time, and

Referred to Committee on Agriculture.

By consent Mr. Goss introduced House Bill No. 117, "An act to establish a certain State Road."

Read first time.

On motion the rules were suspended for second reading of ~~Bills~~.

Senate Bills Nos. 14 and 15, were read second time, and

Referred to Committee of the Whole.

Senate Bill No. 2, was read second time, and

Referred to Committee on Education.

Senate Bill No 39, was read second time, and

Referred to Committee on Agriculture.

House Bill No. 110, was read second time, and

Referred to Committee on Ways and Means.

House Bills Nos. 111, 112, 113, 115 and 116, were read ~~second~~
time, and

Referred to Committee on Judiciary.

House Bills Nos. 114 and 117, were read second time, and

Referred to Committee on Roads and Highways.

On motion the House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

On motion, the House resolved itself into Committee of the Whole for consideration of the Calendar.

Mr. Foster in the chair.

After some time spent therein, the Committee arose, and through its chairman reported back House Bill No. 41, "In relation to the permanent location of the County Seat of Coffey county," and recommended that it be made the special order for next Tuesday.

Also House Bill No. 63, "An act entitled an act for the removal of County Seats, and the permanent location of the same," with amendments, and recommended its passage as amended.

Also House Bill No 1, "An act to prevent enlistments in this State upon the quota of any other State," and recommended the passage of substitute.

Also House Bill No. 15, "An act to amend the Leavenworth City Railroad Company," and recommended that the enacting clause be stricken out.

Also House Bill No. 24, "An act to amend an act entitled an act to authorize School Districts to issue Bonds," and recommended that the enacting clause be stricken out.

Also House Bill, No. 25, "An act to amend an act entitled an act relating to costs in Criminal cases," and recommended that the enacting clause be stricken out.

Reported progress and asked leave to sit again.

Report of Committee was agreed to.

O. H. Drinkwater was sworn in as Assistant Engrossing Clerk.

Leave of absence was granted to Messrs. Smith and Dillie.

By consent, Mr. O'Brien offered the following resolution, which was adopted:

Resolved, That the Committee on Ways and Means be and is hereby instructed to report a bill providing for the payment of claims of citizens of Kansas arising from Price's raid, with the view of more readily asking reimbursement from the General Government therefor.

On motion of Mr. Glick of the 31st, the rules were suspended and House Bill No. 1 considered engrossed, and

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 66, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Fairchild, Finn, Fletcher, Glick of the 31st, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, McLellan, Moody, O'Brien, Page, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

The following letter from the Rev. E. Alward, was read :

TOPEKA, January 27th, 1865.

Hon. N. Z. Strong :

DEAR SIR—Your favor was duly received, and I hereby express my gratitude for your kind services on my behalf. Permit me through you, to tender unto the House my sincere thanks for the consideration they have shown me, and also to state my desire, and respectfully renew my request that they will excuse me from duties of the chaplaincy.

And I trust you and they will feel assured, that in this I am actuated by no spirit of unkindness towards any; but simply for the reason that it is more congenial to my own feelings.

With sincere regard,

Yours, &c.,

E. ALWARD.

On motion the request was granted.

Mr. Strong offered the following resolution :

Resolved, That the Secretary of State be and hereby is directed to purchase for each member of this House, one copy of O'Brien & Diefendorff's reprint of the General Orders of the War Department, being in two volumes, and containing all the orders since the beginning of the rebellion.

Laid over under the rules.

By consent, Mr. Leonard introduced House Bill No. 118, "An act appropriating certain moneys in Morris county."

Read first time.

The House adjourned.

MORNING SESSION.

TOPEKA, JAN. 28, 1865, 10 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Craig, Harvey, Morrow and Shepherd.

Prayer by Rev. P. McVicar.

Journal of yesterday read and approved.

Mr. Glick of the 6th, from Committee on Judiciary, made the following report:

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 101, "An act to authorize the District Judges to appoint a Board of Auditors to investigate the situation of the affairs of the county, and the acts and proceedings of the County Commissioners," report the same back and recommend that it be printed.

G. W. GLICK,
Chairman

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill No. 111, "An act creating a court of common pleas, and prescribing the powers thereof," report the same back and recommend that it be printed.

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 96, entitled "An act to amend an act entitled an act for the relief of occupying claimants of land, approved

March 4th, 1864," report the same back and recommend that it be rejected.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 116, "An act exempting certain property from taxation," report the same back and recommend that it be printed.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 115, "An act supplemental to an act regulating crimes and punishment of crimes against the persons of individuals," approved February 3, 1859, report the same back and recommend that it be printed.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill No. 91, "An act to consolidate certain offices, and supplemental and amendatory to an act entitled an act relating to counties and county officers, and repeal all laws inconsistent with this act," report the same back and recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill No. 80, entitled "An act defining the liabilities of Common Carriers," report the same back and recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill, No. 90, "An act supplemental to an act entitled an act to establish and define the jurisdiction of the Probate Court," report the same back to the House and recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—A majority of your Committee on Judiciary,

to whom was referred House Bill No. 103, entitled "An act authorizing County Commissioners to let the building of bridges," report the same back and recommend its passage.

G. W. GLICK,
Chairman.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred House Bill No. 106, entitled "An act authorizing Township Trustees to levy a tax for the purpose of building Town Houses," report the same back and recommend its rejection.

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 87, entitled "An act to provide for the appointment of a Commissioner to make deeds, in behalf of the Americus Town Company," have had the same under consideration, and have directed me to report the same back with the following substitute, and recommend the printing and passage of the substitute.

G. W. GLICK,
Chairman.

Mr. Houts, from Committee on Militia, made the following report:

MR. SPEAKER:—Your Committee, to whom was referred Senate Concurrent Resolution No. 22, "Relating to a vote of thanks to Major-General Curtis, Commanding the Department of Kansas," have had the same under consideration, and have directed me to report the same back, and recommend its passage.

W. L. HOUTS,
Chairman.

Mr. Strong, from Committee on Ways and Means, made the following report:

MR. SPEAKER:—Your Committee on Ways and Means, to whom was referred House Bills Nos. 21 and 34, "In relation to the Deaf and Dumb," have had the same under consideration, and instruct me

to report the above substitute and recommend its passage.

N. Z. STRONG,

Chairman.

Mr. Broadhead, from Committee on Federal Relations, made the following reports :

MR. SPEAKER :—Your Committee to whom was referred Senate Concurrent Resolution, "In relation to Indian cattle driven into the State," beg leave to report the same back to the House with the following amendment, and recommend its passage : Strike out of Section first the words "loyal white men, and loyal Indians," and insert "all loyal persons," all of which is respectfully submitted.

J. F. BROADHEAD,

Chairman.

MR. SPEAKER :—Your Committee on Federal Relations, to whom was referred Resolution in relation to the failure to deliver certain mails, would respectfully report the same back without recommendation, and submit the within closed communication, from Hon. Hawkins Taylor. Special Mail Agent; all of which is respectfully submitted.

J. F. BROADHEAD,

Chairman.

MR. SPEAKER :—Your Committee on Federal Relations to whom was referred petitions of Joseph Oakley, and 53 others; Shadrick Kemp, and 41 others; David Gardner, and 53 others; T. W. Palmer, and 48 others, citizens of Linn county, praying for an act to prevent certain trespasses, &c., beg leave to report the same back and recommend that the prayer of the petitioners be granted.

J. F. BROADHEAD,

Chairman.

Mr. Craig, from Committee on Education, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 93, entitled "An act to change the time of holding the annual district school meeting," report the same back and recommend its passage.

WARNER CRAIG,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 73, entitled "An act to repeal an act to provide for the sale of School Lands," report the same back without recommendation.

WARNER CRAIG,
Chairman.

Mr. Sutherland, from Committee on Roads and Highways, made the following report :

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 47, "An act to amend an act entitled an act to establish certain State roads," beg leave to report that after an examination of the same they recommend its passage

D. K. SUTHERLAND,
Chairman.

Mr. Page, from Committee on County Seats and County Lines, made the following report :

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 28, "An act relating to the boundaries of Douglas county," would respectfully ask further time for the consideration of the same.

F. R. PAGE,
Chairman.

Further time was granted.

Mr. Throckmorton, from Committee on Railroads, made the following reports :

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 59, entitled "An act concerning the fencing of Railroads," have had the same under consideration, and direct me to report it back without recommendation.

JOB THROCKMORTON,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred Preamble and Resolutions relating to Atchison and St. Joseph Railroad, beg leave to recommend its reference to the Judiciary Committee.

JOB THROCKMORTON,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred Concurrent Resolution, relating to Railroad from Wyandotte to Fort Scott, would respectfully recommend as a substitute Senate Concurrent Resolution on same subject.

JOB THROCKMORTON,

Chairman.

Mr. Martindale, from Committee on Agriculture, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 109, entitled "An act supplemental to an act, entitled an act to regulate the taking up and posting of strays," have had the same under consideration, and beg leave to report the same back and recommend its rejection.

WM. MARTINDALE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 39, have had the same under consideration, and beg leave to recommend its passage.

WM. MARTINDALE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 100, "In relation to running at large of stock in cities and towns," have had the same under consideration and recommend its rejection.

WM. MARTINDALE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 99, "An act to encourage the destruction of wolves and wild cats," have had the same under consideration, and directed me to report the same back and recommend its passage.

WM. MARTINDALE,

Chairman.

The Speaker appointed as Special Committee on Resolutions, relating to the organization of Neosho county, Messrs. Steward, Throckmorton, Cook, Russell and Page.

The following message from the Senate was taken up:

MR. SPEAKER:—I am directed by the Senate to inform your Honorable body, that the Senate have passed Senate Concurrent Resolution No. 17, extending a vote of thanks to the citizens of the cities of Wyandotte and Lawrence for hospitalities extended to the Legislature of the State of Kansas, and respectfully solicit your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform your Honorable body, that the Senate have passed Senate Concurrence Resolution No. 25, memorializing Congress for a grant of land, to aid in the construction of a Railroad from the city of Wyandotte, south through the eastern tier of counties, via Olathe, Paola, Mound City, and the city of Fort Scott, to the southern boundary of the State. Also passed Senate Concurrent Resolution No 18, relating to the Atchison and St. Joseph and Atchison and Weston Railroad Companies, and desire your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Broadhead moved to adopt Senate Concurrent Resolution No. 25.

Carried.

Senate Concurrent Resolution No. 18, relating to the Atchison and St. Joseph and Atchison and Weston Railroad Companies was taken up, and on motion of Mr. Glick of the 6th was adopted.

The Speaker appointed as Committee on the part of the House, to confer with Committee on the part of the Senate in compliance with the provisions of Senate Concurrent Resolution No. 18, Messrs. Glick of the 6th, Harvey, Broadhead, Hanway and Griswold.

Mr. Fairchild offered the following House Concurrent Resolution No. 13:

Whereas, The Eighth Kansas Regiment, now with the Army of the Cumberland only numbers in the aggregate two hundred men, and seventy-five men only fit for duty, and

Whereas, Said Regiment having done so much honor to our State, by its gallantry in so many battles, as is indicated by its present numerical strength, and proven by history, and

Whereas, Said Regiment appeals to us as Representatives of our State, to do something in a way to secure them rest, and an opportunity to recruit; therefore be it

Resolved, By the House of Representatives, the Senate concurring therein, that the Secretary of War be urgently requested to order said Regiment to Kansas, their home.

Resolved, That our Senators and Representative in Congress, be requested to intercede in behalf of said Regiment and endeavor to secure an order of the character above indicated.

Mr. Broadhead moved the rules be suspended for consideration of the Resolution.

Carried.

Mr. Broadhead moved that the Resolution be adopted.

Carried.

Mr. Sammons presented Claim of Nemaha county against the State of Kansas, for the purchase of a seal for the 2d Judicial District.

Referred to Committee on Claims.

Mr. Campbell presented petition of J. T. Chadwick and 33 others, praying for the repeal of the hog law.

Referred to Committee on Agriculture.

Mr. Page moved to reconsider the vote by which the Resolution inviting Messrs. Langston and Burnham to seats within the bar, was laid under the table

Carried.

Mr. Glick of the 31st, moved the indefinite postponement of the Resolution.

W

Senate Concurrent Resolution No. 18, "In relation to driving Indian cattle into the State," was taken up.

On motion, the report of the Committee was adopted.

Senate Concurrent Resolution No. 20, "Asking for a grant of land to aid in the construction of a Railroad from Elwood, in Doniphan county, via Marysville, in Marshall county, to Big Bend of the Republican," was taken up, amended and adopted.

The following substitute for Senate Concurrent Resolution No. 19, was taken up.

Resolved, By the Senate, the House concurring, that the Treasurer of the State be and hereby is directed, to take proper measures to bring the claims for said sum of money to the attention of the General Government, and for the purpose of establishing the validity of said claim, shall have power and permission to transmit in the name of the State, any evidence which may be necessary for that purpose, and in the name of the State, receive the amount found due and receipt for the same.

Provided, That no expense or fee shall be charged against or allowed by the State further than is necessary to cover exchange or express charges.

On motion, the report of the Committee as amended, was adopted.

House Concurrent Resolution No. 10, "Asking for indemnity to sufferers from Price's raid in Bourbon and Linn counties," was taken up.

Mr. Fairchild moved that the Resolution be referred to Committee on Federal Relations.

Carried.

House Resolution, "Relating to setting apart the State of South Carolina as a place of refuge for persons of African descent," was taken up.

On motion, the Resolution was indefinitely postponed.

Senate Concurrent Resolution, asking for the promotion of Col. Moonlight, was taken up, and on motion referred to Committee on Militia.

The Resolution relating to furnishing maps was taken up.

Mr. Throckmorton moved to amend by inserting "one on each desk of the members."

Carried.

And the Resolution as amended was adopted.

Leave of absence was granted Mr. Fletcher.

Resolution, "relating to furnishing General orders of the War Department," was taken up.

Mr. Abraham moved to amend by inserting "one copy of Webster's Unabridged Dictionary."

Lost.

The question being upon the adoption of the Resolution, the ayes and noes were demanded and taken with the following result: Ayes 36, noes 27.

Those gentlemen voting aye, were—

Messrs. Atwood, Broadhead, Cook, Cleavinger, Darby, Deitrick, Dutton, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Köhler, Leland, Leonard, Lowe, Macdonald, Moody, Payne, Perry, Rice, Rogers, Salisbury, Storch, Stafford, Stratton, and Strong.

Those gentlemen voting no, were—

Messrs. Abraham, Browne, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Coffinberry, Craig, Draper, Gwartney, Hendricks, Kennedy of the 26th, Loomis, Martindale, Mead, Mc-

Lellan, Page, Rawlings, Riddle, Scudder, Shepherd, Snyder, Sutherland, Stewart, Throckmorton, West, and Mr. Speaker.

So the Resolution was adopted.

The House adjourned.

AFTERNOON SESSION.

2 o'clock P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Glick of the 6th, introduced House Bill No. 119, "To amend an act, entitled an act to establish a code of civil procedure."

Read first time.

Also House Bill, No. 120, "An act to establish the western boundary of Atchison county."

Read first time.

Also House Bill No. 121, "To protect the debts due to persons in volunteer service of the United States."

Read first time.

Also House Bill No. 122, "To change the name of the office of

County Clerk to that of County Auditor."

Read first time.

Mr. Rice introduced House Bill No. 23, "For the government and regulation of the State Lunatic Asylum."

Read first time.

Also House Bill No. 124, "Making appropriation for the State Lunatic Asylum."

Read first time.

Mr. Macdonald introduced House Bill No. 125, "For the relief of Dr. S. E. Martin."

Read first time.

Mr. Browne introduced House Bill No. 126, "To locate certain State Roads."

Read third time.

Also House Bill No. 127, "Repealing all laws, imposing a poll tax for State or county purposes."

Read first time.

On motion, Judge Sears was invited to a seat within the bar.

Mr. Leonard introduced House Bill No. 128, "To provide for transcribing certain records."

Read first time.

Mr. Scudder introduced House Bill, No. 129, "To establish a ferry across the Kansas river, at or near Egdora in Douglas county."

Read first time.

Mr. Perry introduced House Bill No. 130, "To locate a State road, and providing for building a bridge."

Read first time.

Mr. Glick of the 6th, introduced House Bill No. 131, "To enlarge Atchison county by taking territory from Jefferson county."

Read first time.

Mr. Wells introduced House Bill No. 132, "To encourage the manufacture of salt."

Read first time.

Mr. Russell introduced House Bill No. 133, "To amend an act relating to county and county officers."

Read first time.

Also House Bill No. 134, "To repeal chapter 171 of compiled laws.

Also House Bill No. 135, "Providing revenue for the year 1865."

Read first time.

Mr. Broadhead introduced House Bill No. 136, "To repeal section 9 of an act entitled an act to abolish Grand Juries, and to provide for the trial of offenses upon information."

Read first time.

Mr. Rice moved that the rules be suspended for a second reading of Bills."

Carried.

House Bill No. 119, was read second time, and

Referred to Committee on Judiciary.

House Bills Nos. 120 and 131, were read second time, and

Referred to Committee on County Seats and County Lines.

House Bill No. 121, was read second time, and

Referred to Committee on Militia.

House Bills Nos. 122, 127, 128, 133, 134, and 136, were read second time, and

Referred to Committee on Judiciary.

House Bill No. 123, was read second time, and

Referred to Committee on Public Institutions.

Also House Bills Nos. 124, 135, and 118 were read second time, and

Referred to Committee on Ways and Means.

House Bill No. 125, was read second time, and

Referred to Committee on Claims.

House Bills Nos. 126, and 130, were read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 129, was read second time, and

Referred to Committee on Corporations.

House Bill No. 132, was read second time, and

Referred to Committee on Agriculture and Manufactures.

On motion the House resolved itself into Committee of the Whole for consideration of the calendar.

Mr. Stewart in the chair.

After some time spent therein, the Committee arose, and through its chairman, reported back House Bill No. 68, "An act making appropriation for the current Legislative expenses for the year 1865," and recommended that the enacting clause be stricken out.

Also Senate Bill No. 15, "Making appropriations for current Legislative expenses for 1865," and recommended its passage.

Also Senate Bill No. 14, "Making appropriations for rent of Capitol Buildings," and recommended that it be referred to Committee on Ways and Means.

Also House Bill No. 27, "An act to amend an act entitled an act supplemental to an act to provide for the assessment and collection of taxes," and recommended that the enacting clause be stricken out.

Also House Bill No. 29, "An act to create and regulate Mechanical, Manufacturing, Mining and Quarrying companies," with amendments, and recommended its passage as amended.

The report of the Committee was agreed to.

Mr. Broadhead moved to reconsider the vote by which the report of the Committee of the whole on House Bill No. 63 was agreed to.

Carried.

Leave of absence was granted to Messrs. McLellan, Hendricks, Lowe and Smith.

By consent, Mr. Hanway offered the following resolution, which was adopted :

Resolved, That this Hall be tendered to the Rev. J. S. Kalloek, next Monday evening, for the purpose of delivering a literary lecture.

Mr. Broadhead moved that Bill No. 63 be placed upon the calendar, and made the special order for Friday next.

Carried.

The House adjourned.

MORNING SESSION.

TOPEKA, JAN. 30, 1865, 10 o'CLOCK A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Glick of the 6th, Morrow, Russell, Sutherland, Stratton and Strong.

Prayer by Father De Fouri.

Journal of Saturday read and approved.

Leave of absence was granted Mr. Glick of the 31st, until Friday morning.

Mr. Spencer presented petitions of Geo. Morris and 54 others; and Wm. Downing and 44 other citizens of Morris county, asking for the appropriation of dram shop licenses to the school fund.

Referred to Committee on Education.

Mr. Abraham presented petition of Uriah Glover and four others, praying for a law regulating the planting of corn and the protection of the same.

Referred to Committee on Judiciary.

Also a petition of N. J. Burdick and nine others, praying for the reduction of poll taxes.

Referred to Committee on Judiciary.

Mr. Fairchild, remonstrance of Bartholow and others against a certain amendment to the tax law.

Referred to Committee on Judiciary.

Mr. Strong, from Committee on Ways and Means, made the following report:

MR. SPEAKER :—Your Committee on Ways and Means, to whom was referred House Bill No. 118, "An act appropriating certain moneys in Morris county," have had the same under consideration, and instruct me to report the same back to the House and recommend that it be rejected.

N. Z. STRONG,
Chairman

Mr. Glick of the 6th, from Judiciary Committee, made the following reports:

MR. SPEAKER :—Your Committee on Judiciary to whom was referred House Bill No. 134, "An act to repeal an act to provide for the redemption of real estate sold under execution, order of sale, or other final process," approved June 4th, 1861, report the same back and recommend its passage.

G. W. GLICK,
Chairman.

MR. SPEAKER :—Your Committee on Judiciary, to whom was referred House Bill No. 122, "An act to change the name of the office of County Clerk to that of County Auditor," report the same back and recommend its passage.

G. W. GLICK,
Chairman.

MR. SPEAKER :—Your Committee on Judiciary, to whom was referred House Bill No. 119, "An act to amend an act entitled an act to establish a code of civil procedure," report the same back and recommend its passage.

G. W. GLICK,
Chairman.

MR. SPEAKER :—Your Committee on Judiciary, to whom was referred House Bill No. 133, an act to amend an act relating to coun-

ty and county officers." report the same back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 128, "An act to provide for transcribing certain records," report the same back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 127, "A Bill repealing laws imposing a poll tax for State and County purposes," report the same back and recommend that it be rejected.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 136, "An act to repeal section 9 of an act entitled an act to abolish Grand Juries, and to provide for the trial of offences upon information," report the same back, and recommend its passage.

G. W. GLICK,

Chairman.

Mr. Page, from Committee on County Seats and County Lines, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred House Bill, No. 120, "An act to establish the western boundary of Atchison county," have had the same under consideration, and a majority of them instruct me to report the same back to the House, and recommend its passage.

F. R. PAGE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 104, "An act to change the southern boundary of the county of Wyandotte, have had the same under consideration, and instruct me to report the same back to the House, and recommend its rejection for constitutional reasons.

F. R. PAGE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House

Bill No. 108, "An act to attach a portion of Leavenworth county to Johnson county," have had the same under consideration and beg leave to report the same back to the House and recommend that it be considered in Committee of the Whole.

F. R. PAGE,
Chairman.

Mr. Houts, from the Committee on Militia, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred Concurrent Resolution, "Relating to the promotion of Col. Thomas Moonlight, of Kansas," have had the same under consideration, and direct me to report the same back and recommend its passage.

W. L. HOUTS,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 121, entitled "An act to protect the debts due to persons in the volunteer service of the United States," have had the same under consideration, and direct me to report it back and recommend its passage.

W. L. HOUTS,
Chairman.

Mr. Foster, from Committee on Claims, made the following report:

MR. SPEAKER:—Your Committee on Claims, to whom was referred the claim of Nemaha county, against the State of Kansas, for the purchase of a seal for the District Court, for the Second Judicial District, have had the same under consideration, and recommend that it be allowed.

R. C. FOSTER,
Chairman.

Referred to Committee on Ways and Means.

Mr. Martindale, from Committee on Agriculture, made the following reports:

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred House Bill No. 132, "An act to encourage the manufac-

ture of Salt," have had the same under consideration, and find that the statutes of 1863 provide for the same, and would beg leave to recommend its rejection. WM. MARTINDALE,

Chairman.

MR. SPEAKER:—Your Committee on Agriculture, to whom was referred petition of Israel T. Chadwick, and 33 others, "Praying for the repeal of the Hog' Law," have had the same under consideration, and beg leave to report the same back and recommend its rejection.

WM. MARTINDALE,

Chairman.

Mr. Browne, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee on Engrossed Bills, report the following as correctly Engrossed:

House Bill No. 83, "An act amending an act entitled an act for the removal of County Seats, and the permanent location of the same;"

House No. Bill No. 29, "An act to create and regulate Mechanical, Manufacturing, Quarrying and Mining Companies."

O. H. BROWNE,

Chairman.

Mr. Darby, from Select Committee, to whom was referred that portion of the Governor's Message relating to taking the Enumeration; introduced House Bill No. 137, "An act to provide to taking the Enumeration for 1865."

On motion of Mr. Russell, the rules were suspended and Bill No. 137 read first and second time, and ordered to be placed on the calendar.

Mr. Browne, from Special Committee, made the following report:

Report of Special Committee on House Bill No. 23.

MR. SPEAKER:—The Special Committee to whom was referred

House Bill No. 23, entitled "An act to equalize the basis of Taxation," beg leave to report that they have had the same under consideration; that they have adopted a substitute therefor; and that they recommend its passage.

It is proposed by the substitute, which is herewith reported, to restore that provision of the statute of 1862, exempting from taxation improvements on real estate not exceeding in value five hundred dollars.

It is proposed to mitigate in a pecuniary way, the evils of the great rebellion, by exempting from taxation all property of widows and minor orphans not exceeding in value five hundred dollars.

It is well known that the late Attorney General of Kansas delivered to the Legislature of 1864, a formal opinion that any exemption of improvements on real estate would be unconstitutional.

The Legislature of 1858, provided that "real property, shall, for the purpose of taxation, be construed to include the land itself, and all buildings, fixtures and other improvements thereon."—Session Laws 349.

The Legislature of 1860, provided that "real property shall, for the purpose of taxation, be construed to include the lands only, excluding the crops and improvements thereon."—Compiled Laws 857—8.

The Legislature of 1862 provided that "real property shall for the purpose of taxation be construed to include the lands, excluding the crops and all improvements on land not exceeding in value five hundred dollars."—Compiled Laws 874. Improvements of the value of five hundred dollars were exempt from taxation under the law of 1862.

The Legislature of 1863, repealed the improvement exemption of 1862, and provided that "real property shall, for the purpose of taxation, be construed to include the lands, and all improvements on the same * * * *"—Session Laws 103.

The Legislatures of 1860, 1862, and 1863 gave to the expression "real property" totally different significations. In doing so, did they exercise a legitimate right, or were they usurpers? Has not the Legislative power in 1865, the right to adopt any one of these definitions, or to reject them all? The Legislatures of the several States of the Union have defined the meaning of the expression "real property," according to their discretion or volition. Were they all usurpers?

NON-RESIDENTS SHALL NOT BE TAXED HIGHER THAN RESIDENTS.

The Wyandotte Constitutional Convention proposed, among other things, that "the State of Kansas will not * * * tax non-residents higher than residents; *provided*, always, that the following conditions be agreed to by Congress." Ordinance. Were they agreed to? In response to the propositions contained in the ordinance, Congress provided: "That nothing in this act shall be construed as an assent by Congress to all or any of the propositions or claims contained in the ordinance of said Constitution of the people of Kansas."—Act of Admission Sec. 3.

In the propositions offered to the people of Kansas for their acceptance or rejection, no allusion whatever is made to residents or non-residents. The proposition solemnly submitted by the Wyandotte Convention, in the name of the people of Kansas, not to "tax non-residents higher than residents," was ignored by Congress.

TAXES MUST BE UNIFORM AND EQUAL.

"The Legislature shall provide for a uniform and equal rate of assessment and taxation."—Art. 9, Sec. 1, Const. Kansas.

Uniform is defined as equal, and equal as uniform. They are synonymous.

"All duties, imposts and excises shall be uniform throughout the United States."—Art. 1, Sec. 8, Clause 1, Const. U. S.

What are duties but taxes? What are imposts but taxes? What are excises but taxes? If there is any truth in the dictionaries, then, duties, imposts and excises are nothing more or less than taxes.

The Constitution of Kansas and the Constitution of the United States are identical in substance, so far as uniformity of taxation is concerned. What is uniform in Congress ought to be in Kansas. Mark the following language from the statutes of the United States :

Such property belonging to any individual who actually resides thereon, as shall be worth the sum of five hundred dollars, shall be exempted, &c."—U. S. Direct Tax Law, 1861, Sec. 13.

Resides thereon! There is a distinction in favor of residents. When this law was under consideration, Hon. Jacob Collamer, of Vermont, is reported in the *Congressional Globe*, page 390, to have said :

"It (the bill) was drawn originally I believe, by Mr. Hamilton and Mr. Gallatin in 1794. It was passed again in 1813, 1814 and 1815. There is nothing in it, as I understand it, but what has been the tried law of this Government ever since the beginning of the Government."

Hon. James F. Simmons, of Rhode Island, is reported on page 398 of *Congressional Globe*, to have said :

"I am the more inclined to vote for this particular measure of the House of Representatives, because it does not tax any property unless the value is over five hundred dollars. It does not tax the little homestead in the West."

Secretary Chase, in his report of July 4th, 1861, recommended the exemption of small properties. The subject was under consideration an entire month. The discussion extends through two hundred and ninety-five pages in the *Congressional Globe*. Not a member of either House uttered a word against the exemption in favor of residents, as provided in section thirteen. President Lincoln approved the bill on the 5th of August.

William Pitt, in 1798, introduced the first income tax bill, exempting all incomes less than three hundred dollars. In 1842, Sir Robert Peel brought forward a plan for a new tax exempting all incomes of a less amount than seven hundred and fifty dollars. These

propositions received the sanction of Parliament. And the British Parliament is bound to uniformity in levying taxes.

In 1862, Congress passed an Excise tax law, exempting all incomes not exceeding in amount six hundred dollars. They had already exempted, by the Direct Tax law of 1861—they had already exempted real estate to the amount of five hundred dollars. And yet the Constitution of the United States contains a provision identical in substance with the Constitution of Kansas. Congress is bound to uniformity as firmly as the Legislature of Kansas. Thank Secretary Chase for recommending the exemption of small properties. His recommendation loses none of its force, none of its weight from the fact that he is now a judge of the Supreme Court of the United States—the highest judicial tribunal on the globe. Uniform is the word used in the Constitution of Kansas. Uniform! Thank the Convention of 1787 for that word. Thank Congress for going further than any Kansas Legislature ever dreamed of going. Congress exempted the land itself—the Kansas Legislature of 1862, exempted only the improvements of the value of five hundred dollars.

Is it not a little singular that the learned Attorney General of Kansas, should have made the important discovery, that Secretary Chase, President Lincoln, the American Congress, William Pitt, Sir Robert Peel and the British Parliament, were all in the dark on the subject of constitutional law? The Attorney General cites two cases from the Ohio State Reports to show that any exemption from taxation of the improvements of settlers would be unconstitutional. The first case cited was a proceeding to prevent the collection of a tax *illegally* assessed. Such a tax could not be collected under any statute ever enacted by a Kansas Legislature. Then how does the Ohio case apply? What does it apply to?

In the second case it was held that a certain statute of Ohio was in violation of that clause of the Constitution of the United States, which provides that no State shall pass any law impairing the obligation of contracts. Contracts! What has an exemption of improvements in Kansas to do with contracts? If any man can see any

similarity between either of these cases and an exemption of improvements he must have keen optics. He must be able to see what is not to be seen. After all that has been said and written year after year, about the Supreme Court of Ohio, the Constitution of Ohio, and the laws of Ohio, is it not an astounding fact that the constitutionality of an exemption of improvements was never before the Supreme Court, or any other court of Ohio? Away with *obiter dicta*. It will not do to follow an *ignis fatuus* in fixing the basis of taxation. The people have had quite enough of *obiter dicta* in the Dred Scott case.

The opinion of the learned Attorney General is based on the theory that every thing connected with the soil from the centre of the earth to the stars is real estate; and that there can be no exemption of real estate. But the Constitution of Kansas provides that personal property to the amount of at least two hundred dollars for each family shall be exempted from taxation. There is no limitation to the amount of personal property that may be exempted. If therefore improvements could be considered personal property, there could be no constitutional objection to an exemption. Hence the learned Attorney General attempts to interpolate the old common law of England as a part of and paramount to the Constitution of Kansas. But the Legislature of 1864, solemnly enacted that "all lands entered as homesteads, including all improvements on the same * * * shall be taxed as personal property."—Session Laws 229. What then becomes of the wild fallacy that any exemption of the improvements of settlers would be unconstitutional?

TOWNS AND CITIES.

What is the difference, whether a man improves a town lot, or a quarter section? Five hundred dollars is the extent of his exemption in either case. All improvements over five hundred dollars, were taxable under the law of 1862, in town as well as country. Five hundred dollars makes but a small show in town; but it would make the widows of the war comfortable, with their minor orphans in town or country. The tax law of 1863, is equally unjust in its operation in town and country. The inhabitants of towns and cities erect their dwellings and business houses, and thus en-

hance the value of unoccupied lots lying immediately adjacent. These unoccupied lots are owned perhaps by some foreign speculator who never dreams of improving himself, but depends altogether upon the industry of actual residents as a source of gain. So in the country. When the actual settlers end their round of toil—when a few more bridges and school-houses and churches and jails and court-houses have been erected—when a large majority of the present population have exhausted all the energies of the body and all the faculties of the mind—when the original settlers have all worked their way to an eternal homestead beneath the soil that they have cultivated, then, indeed, the non-residents will become residents, and commence their career of cultivation. Their lands will then have been raised from the lowest to the highest grade in value by the labor of the dead pioneer.

The true doctrine is supposed to be that taxes may be imposed on property, but not on the person or the proceeds of labor. It is true the proceeds of labor become property. Is this a solecism? Not at all. Then where is the distinction—when may the proceeds of labor be considered property for the purpose of taxation? When the proceeds of labor become themselves productive, the interest, the increment, the reproduction may be taxed; but the simple proceeds should be exempt from taxation. The Legislature of 1862, recognized this doctrine, gave it vitality, when they exempted from taxation improvements on lands to the value of five hundred dollars, and subjected the excess to taxation. The principle will remain the same whatever may be the amount exempted. The Legislature of 1862, were in this respect philosophically and constitutionally correct.

WIDOWS AND ORPHANS.

The Kansas statutes require that all moneys shall be subject to taxation. True, personal property to the amount of two hundred dollars is exempt, but the excess is taxable in all cases. The soldier's widow, with her minor orphans, may have a team perhaps, a few farming utensils, and a small supply of household furniture. These are necessities. Without them want and woe are inevitable. At a low estimate they amount to two hundred dollars. The General Government in its benevolence and its justice, grants the fallen

soldier's widow a pension. The moment it is paid, the laws of Kansas declare it subject to taxation.

The Legislature of 1855, exempted from taxation "the property of all widows and minor orphans, who are not worth more than one thousand dollars."—Session Laws 658.

In 1857, the Legislature of California copied this provision from our statutes. But the Kansas Legislature of 1858, repealed the widow's and orphan exemption.—Session Laws 350, 378. "Equal and exact justice." The Legislature of 1860, had the moral courage to restore in part, the widow's exemption. But they exempted nothing for the minor orphans. They left the little orphan out in the cold.—Compiled Laws 859. The Legislature of 1862, repealed the widow's exemption, and ignored the minor orphan.—Compiled Laws 875, 881.

The father of Frederick the Great, of Prussia, in his will devoted a large sum to the establishment and maintenance of an asylum for the orphans of Prussian soldiers, and invoked a fearful curse upon any of his successors who should dare to attempt the diversion of this bequest to any other purpose. The bequest was faithfully applied, and near the church where his remains are interred, stand two noble edifices devoted to the care of soldiers' orphans.

Under the laws of the United States, a widow, or an orphan, may have ten thousand dollars at interest, at six *per cent per annum*, without being subject to the Excise Tax law of 1862. But the Kansas Legislature of 1863, remodeled the tax law and ratified the repeal of the widows' and orphan exemption. Under the present laws of Kansas, if a widow or an orphan owns land enough to contain the dead body of the husband or parent, it is subject to taxation. The interest of foreign speculators has been protected at the expense of actual settlers, widows and orphans.

At a time like the great rebellion, when the number of widows and orphans is being increased more rapidly than was ever known since the creation of the world, their exemption is repealed. Here-tofore, men have been urged to leave their families for the army, by every consideration of patriotism and duty; and now the terrors of

conscription are held up to drive them into the ranks. At such a time as this, the Legislature of the loyal State of Kansas, repealed the widows' and orphan exemption. Where are the orphans of Corinth, Murfreesborough, Antietam, Fredericksburg and Gettysburg? Where are the widows of Springfield, Prairie Grove, and the hundred battle-fields on which the valor of Kansas has been illustrated? Is it not enough that we tax the property of the living man while he grapples with his country's foes in sanguinary strife, without compelling his widow to earn, in tears and anguish, a tax on the willow and the laurel that shadow the tomb of the dead soldier?

We tax the property of the soldier, but we have not heretofore allowed him to vote. Taxation without representation was the great wrong which led to the Revolution of 1776. The conscription law takes the farmer from his plow, the mechanic from his shop, the merchant from his ledger, the student from his class, the clergyman, the physician and the lawyer from his library, and when they are sworn into service, it is painful to reflect that their right to vote is a subject of litigation. The bones of disfranchised freeman are bleaching on every battle-field of the rebellion.

How many men have left their families in our State, and gone into the army to defend the Government and protect us in the enjoyment of peace in time of war? How many of those men have fallen on the field of battle, or died of wounds or disease in camp? The number is great, though our population is sparse. As the brave soldier looks out from his tent or hospital for the last time upon earth—as his big heart is breaking in the agony of death, his heroic spirit winging its way to another world—as his thoughts revert for the last time to the little ones at home, how consoling the reflection that the Legislature of his own State, have repealed the widows' and orphans' exemption! How consoling the reflection that the Legislature of his own State, are pointing the tax collector to the little homestead that he is about leaving to his widow and minor orphans.

This is no fancy sketch. The tax laws of Kansas are reality's dark dream.

O. H. BROWNE,
WM. KARR,
H. B. HUGHES.

On motion of Mr. Russell, the report of the Committee was ordered printed.

The following message from the Senate was taken up:

MR. SPEAKER:—I am directed by the Senate to inform your Honorable body that the Senate have passed Senate Concurrent Resolution No. 28, "Asking Congress for a grant of land for an east and west Railroad through Southern Kansas, and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

On motion, the Resolution was referred to Committee on Railroads.

Mr. Cavender offered the following resolution:

Resolved, That the Pages of this House be allowed for their services three dollars per day.

Mr. Sammons offered a resolution, asking for the promotion of Maj. Hunt.

Laid over under the rules.

Mr. Rice offered the following resolution, which was adopted:

Resolved, That the Speaker of the House be and he is hereby authorized to appoint one or more Assistant Enrolling Clerks when ever it shall appear that such additional service is needed.

Mr. Snyder introduced House Concurrent Resolution No. 14. "Asking for an increase of the pay of soldiers."

Referred to Committee on Militia.

Mr. Harvey offered the following resolution:

Resolved, That 2,500 copies of the report of the Superintendent of Public Instructions be printed for distribution to the school officers of the State.

Referred to Committee on Education.

Mr. Finn moved to reconsider the vote by which the Resolution in reference to the purchase of O'Brien & Diefendorf's Report of the General Orders of the War Department, was adopted.

Mr. Craig moved that the motion be tabled, upon which the ayes and noes were demanded and taken with the following result:

Ayes 27, noes 37.

Those gentlemen voting aye, were—

Messrs. Atwood, Broadhead, Campbell of the 33d, Craig, Darby, Deitrick, Dutton, Draper, Foster, Glick of the 6th, Glick of the 31st, Goss, Hanway, Harvey, Karr, Kennedy of the 36th, MacDonald, Payne, Rogers, Salisbury, Scudder, Spencer, Storch, Stratton, and Strong.

Those gentlemen voting no, were—

Messrs. Abraham, Browne, Callen, Campbell of the 51st, Caven-der, Christy, Church, Coffinberry Cleavinger, Fairchild, Finn, Griswold, Gwartney, Houts, Hodgson, Hughes, Kohler, Leland, Leonard, Loomis, Martindale, Mead, Page, Perry, Rawlings, Rid-dle, Rice, Russell, Sammons, Shepherd, Snyder, Stewart, Throck-morton, Wells, West and Mr. Speaker.

Message from the Senate.

MR. SPEAKER :—I am directed to inform your Honorable body, that the Senate have passed Senate Bill No. 5, "An act to author-ize the School District of Paola to issue Bonds," also passed Sen-ate Bill No. 30, "An act to amend the code of civil procedure," and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Stotler moved the previous question on the motion offered by Mr. Finn to reconsider.

Mr. Glick of the 31st, moved to adjourn, upon which the ayes

and noes were demanded and taken with the following result: Ayes 21, noes 39.

Those gentlemen voting aye, were—

Messrs. Atwood, Broadhead, Campbell of the 33d, Craig, Darby, Deitrick, Dutton, Draper, Foster, Glick of the 31st, Goss, Harvey, Karr, Kennedy of the 36th, Kennedy of the 26th, Leland, Payne, Rogers, Salisbury, Scudder, and Storch,

Those gentlemen voting no, were—

Messrs. Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Fairchild, Finn, Glick of the 6th, Hanway, Houts, Hodgson, Hughes, Kohler, Leonard, Loomis, Martindale, Mead, Page, Perry, Rawlings, Riddle, Rice, Russell, Sammons Shepherd, Spencer, Snyder, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

So the motion to adjourn was lost.

A call of the House was demanded.

Mr. Stotler moved that further proceedings under the call be dispensed with.

Mr. Campbell of the 33d, moved that the motion be laid on the table.

Mr. Russell moved that the House take a recess until 2 P. M.

Mr. Glick of the 31st moved that the House adjourn.

Lost.

Mr. Russell moved the previous question.

Mr. Glick of the 31st, moved that the House adjourn.

Lost.

The motion to take a recess until 2 P. M. prevailed.

AFTERNOON SESSION.

2 o'clock P. M.

The time for the recess having expired,

The House was called to order.

Speaker *pro tem* in the chair.

Roll called.

Quorum present.

The question being "shall the main question be now put?"

Carried.

And the motion to reconsider prevailed.

Mr. Stotler moved that the Resolution by which the Secretary of State was ordered to procure for the members, O'Brien & Diefenderf's Report of the General Orders of the War Department, be indefinitely postponed.

Mr. Broadhead moved that the Resolution be referred to a Special Committee of three.

Upon which the ayes and noes were demanded and taken with the following result: Ayes 11, noes 44.

Those gentlemen voting aye, were—

Messrs. Broadhead, Browne, Campbell of the 33d, Foster, Gwartney, Harvey, Kennedy of the 36th, Leland, Moody, Payne and Rogers.

Those gentlemen voting no, were—

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Messrs. Abraham, Callen, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Darby, Deitrick, Dutton, Draper, Fairchild, Finn, Glick of the 6th, Goss, Griswold, Hanway, Houts, Hodgson, Hughes, Karr, Kohler, Leonard, Loomis, Martindale, Mead, Morrow, Page, Rawlings, Riddle, Rice, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Storch, Stewart, Throckmorton, Wells, West and Mr. Speaker.

And so the motion to refer was lost.

The motion to indefinitely postpone prevailed.

Mr. Russell presented account of J. D. Snoddy, Publisher of the *Border Sentinel*, against the State of Kansas.

Referred to Committee on Claims.

Mr. Stewart offered the following resolution:

Resolved, That the Sergeant-at-Arms be directed to procure for each member of the House five dollars worth of postage stamps in such denominations as each member may direct.

Laid over under the rules.

Senate Concurrent Resolution No. 24, relating to the promotion of Col. Thomas Moonlight, was taken up.

Mr. Russell moved the resolution be sent back to the Senate with the inquiry whether it was intended for a Concurrent Resolution.

Carried.

Senate Concurrent Resolution No. 22. "Relating to a vote of thanks to Major General Curtis, Commanding the Department of Kansas," was taken up.

Mr. Russell moved that the Resolution be ordered printed.

Carried.

The Resolution "Relating to the failure to deliver certain Mails."

was taken up, and on motion laid on the table.

Mr. Foster moved that the rules be suspended for the consideration of Senate Concurrent Resolution, "Relating to adjournment."

Mr. Glick of the 6th, moved the motion be laid on the table.

Lost.

The motion to suspend the rules prevailed.

Mr. Broadhead moved to adopt the Resolution.

Carried.

Mr. Russell moved a reconsideration of the vote by which the Resolution was adopted.

Mr. Russell moved that the motion to reconsider be laid on the table.

Carried.

Mr. Stratton introduced House Bill No. 138, "To vacatee certain streets and alleys."

Read first time.

Mr. ——— introduced House Bill No. 139, "To change and re-establish the boundary lines of certain counties."

Read first time.

Mr. Atwood introduced House Bill No. 140, "To provide for incorporating Railroad companies."

Read first time.

Mr. Broadhead introduced House Joint Resolution No. 4, "To amend Section 1 of Art. 8 of the Constitution."

Read first time.

Mr. Mead introduced House Bill No. 141, "To define the western boundaries of Greenwood county."

Read first time.

Mr. Christy introduced House Bill No. 142, "To regulate licenses, granted to dram shop keepers."

Read first time.

Mr. Martindale introduced House Bill No. 143, "To prevent bringing stolen stock into the State and to seize and condemn the same when brought in the State."

Read first time.

Mr. Foster introduced House Bill No. 144, "To create a District Court in and for the town of Jefferson in Jefferson county."

Read first time.

Mr. Spencer introduced House Bill No. 145, "To locate a certain State Road."

Read first time.

Also House Bill, No. 146, "To authorize Graded School District No. 1 in Morris county to issue bonds to build a school House."

Read first time.

Mr. Griswold introduced House Bill No. 147, "To encourage the planting of trees along the public highways."

Read first time.

Mr. Campbell of the 33d, introduced House Bill No. 148, "To locate a certain State road."

Read first time.

Mr. Storch introduced House Bill No. 149, "Authorizing

Atchison county to issue bonds to build a Jail."

Read first time.

Also House Bill No. 150, "To establish a State road from Atchison to Kennekuk."

Read first time.

Also House Bill No. 151, "Locating a State road from Lawrence to Hiawatha."

Read first time.

Mr. Browne introduced House Bill, No. 152, "Repealing section one of an act in reference to the assessment and collection of taxes, approved March 1, 1864."

Read first time.

Mr. Callen introduced House Bill No. 153, "To vacate a certain alley in Cuddy's Addition to Junction City."

Read first time.

Mr. Mead introduced House Bill No. 154, "Supplementary and amendatory to an act to provide for the running at large of Swine," approved January 28, 1860.

Read first time.

Leave of absence was granted to Mr. Sutherland.

Senate Bill No. 5, "An act to authorize the School District of Paola to issue Bonds," was

Read first time.

Senate Bill No. 30, "An act amending the Code of Civil Procedure," was

Read first time.

Mr. Russell introduced House Bill No. 155, "An act providing for a Registration Law."

Read first time.

On motion the rules were suspended for second reading of Bills.

On motion, ex-Governor Carney and Hon. Geo. A. Crawford were invited to seats within the bar.

House Bills Nos. 138 and 153 were read second time, and

Referred to Special Committee.

House Bills Nos. 139, and 141, were read second time, and

Referred to Committee on County Seats and County Lines.

House Bill No. 140, was read second time, and

Referred to Committee on Railroads.

House Bills, Nos. 142, 144, 149, 152 and 155, and Senate Bills Nos. 5 and 30, were read second time, and

Referred to Committee on Judiciary.

On motion of Mr. Throckmorton, House Bill No. 140, was ordered to be printed.

House Bills Nos. 143, and 154, were read second time, and

Referred to Committee on Agriculture.

House Bills Nos. 145, 147, 148, 150 and 151, were read second time, and

Referred to Committee on Roads and Highways.

Senate Bill No. 15, "An act making appropriation for the current Legislative expenses for the year A. D. 1865," was

Read third time.

The question being "shall the bill pass?"

The vote resulted as follows: "Ayes 60, noes none."

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Fairchild, Foster, Fletcher, Glick of the 6th, Gwartney, Hanway, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye,

So the Bill passed.

The title was agreed to.

House Bill No. 29, "An act to create and regulate, Mechanical Manufacturing, Mining and Quarrying Companies," was

Read third time.

The question being "shall the Bill pass?"

The vote resulted as follows: Ayes 57, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Browne, Callen, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Fairchild, Finn, Foster, Glick of the 6th, Griswold, Gwartney, Hanway, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Mead,

Morrow, Moody, O'Brien, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, West, and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion, the House resolved itself into Committee of the Whole, for the consideration of the calendar.

Mr. Moody in the chair.

After some time spent therein the Committee arose and through its chairman reported back House Bill No. 30, "An act to amend an act entitled an act regulating enclosures," approved February 11, 1859, with amendments, and recommended its passage as amended.

Also House Bill No. 58, "An act to require County Commissioners to publish their expenditures," with amendments, and recommended its passage as amended.

Also House Bill No. 33, "An act to provide bounties for Soldiers," reported progress, and asked leave to sit again on the same.

Report of the Committee agreed to.

Mr. Macdonald offered the following resolution, which was adopted:

Resolved, That the use of this Hall be granted to Prof. Nurdyke on Tuesday evening next for the purpose of an exhibition by the pupils of the Asylum for the Deaf and Dumb.

The following message from the Senate was taken up:

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives, that the Senate have passed Senate Concurrent Resolution, No. 34, "Relating to the draft in Kansas," and

desire your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Russell moved to suspend the rules for the consideration of Senate Concurrent Resolution No 34.

Carried.

Mr. Russell moved to adopt Senate Concurrent Resolution No. 34.

Carried.

The House adjourned.

MORNING SESSION.

TOPEKA, JAN. 31, 1865, 10 o'CLOCK A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Loomis, Macdonald, Spencer and Stratton.

Journal of yesterday read and approved.

By consent, Mr. Strong withdrew House Bill No. 139.

Mr. Shepherd, from Committee on Corporations, made the following reports:

MR. SPEAKER :—Your Committee to whom was referred Senate Bill No. 2, entitled “An act to amend an act to enable the Trustees of Colleges, Academies, Universities, and other Institutions, Societies and Companies to become bodies corporate,” beg leave to report the same back to the House and recommend its passage.

H. D. SHEPHERD,

Chairman

MR. SPEAKER :—Your Committee to whom was referred House Bill. No 129, entitled “An act to establish a ferry across the Kansas river at or near Eudora, in Douglas county,” instruct me to report the same back and recommend its rejection.

H. D. SHEPHERD,

Chairman.

Mr. Houts, from Committee on Militia, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Concurrent Resolution No. 14, “In relation to increasing the pay of United States Volunteers,” have had the same under consideration, and direct me to report the same back to the House and recommend that it be printed.

W. L. HOUTS,

Chairman.

On motion, the Resolution was ordered printed.

MR. SPEAKER :—Your Committee on Militia, to whom was referred House Resolution, “Commending Maj. R. H. Hunt, 15th Kansas Volunteers, for promotion to Assistant Quartermaster, with the rank of Major in the regular Army,” report the same back with adverse action.

L. W. HOUTS,

Chairman.

Mr. Craig, from Committee on Education, made the following reports :

MR. SPEAKER :—Your Committee on Education, to whom was referred the resolution relating to the printing of the report of the

State Superintendent, report the same back and recommend its passage.

WARNER CRAIG,

Chairman.

MR. SPEAKER :—Your Committee, on Education, to whom was referred House Bill No. 146, entitled "An act to authorize Graded School District No. 1, in Morris County, to issue Bonds to build a School House," recommend the passage of the same.

WARNER CRAIG,

Chairman.

MR. SPEAKER :—Your Committee on Education, to whom was referred House Bill No. 105, entitled "An act supplemental to an act entitled an act for the regulation and support of common schools," approved May, 1861, report the same back and recommend its passage.

WARNER CRAIG,

Chairman.

Mr. Leonard, from Committee on Engrossed Bills, made the following report :

MR. SPEAKER :—Your Committee on Engrossed Bills have examined House Bill No. 58, "An act to regulate county affairs," and House Bill No. 30, "An act to amend an act entitled an act regulating enclosures," approved February 11th, 1859, and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro. tem.

Mr. Hanway, from Committee on Fees and Salaries, made the following report :

MR. SPEAKER :—The Special Committee to whom was referred House Bill No. 92, entitled "An act to provide a salary for the County Treasurer, and to repeal all laws inconsistent herewith," report the same back without recommendation.

JAMES HANWAY,

Chairman.

Mr. Glick of the 6th, from Committee on Judiciary, made the following reports :

MR. SPEAKER:—Your Committee on Judiciary to whom was referred Senate Bill No. 30, "An act amendatory to the code of civil procedure," report the same back, and recommend that it be passed.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 149, "An act to authorize Atchison county to issue bonds to build a Jail," report the same back and recommend that it be printed.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 142, "An act to regulate Licenses granted to dram shop keepers," report the same back to the House and recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 152, "A bill repealing section 1st of an act in reference to assessment and collection of taxes," approved March 1st, 1864, report the same back and recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill No. 144, "An act to create a District Court in and for the town of Jefferson, in Jefferson county," report the same back and recommend its rejection.

G. W. GLICK,

Chairman.

On motion, House Bill No. 144 was ordered printed.

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred Senate Bill No. 5, "An act to authorize school district of Paola to issue bonds," report the same back and recommend its passage.

G. W. GLICK,

Chairman.

Mr. Page, from the Committee on County Seats and County Lines, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 139, "An act to change and re-establish the boundary lines of certain counties, would respectfully report that the same has been withdrawn from the Committee by consent of the House.

F. R. PAGE,
Chairman.

Mr. Glick of the 6th, moved that House Bill No. 43 be referred to Committee of the Whole to-day.

Carried.

Mr. Sutherland, from Committee on Roads and Highways, made the following report:

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 113, have directed me to report back that they believe it best to refer the same to the Committee on Judiciary.

D. H. SUTHERLAND,
Chairman.

It was so referred.

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 98, entitled "An act to locate a certain State road," have to report that they cannot recommend its passage.

D. H. SUTHERLAND,
Chairman.

Mr. Broadhead, from Committee on Federal Relations, made the following report:

MR. SPEAKER:—The Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 10, "To indemnify the sufferers of Linn and Bourbon counties, by reason of Price's raid," report the following substitute therefor, and recommend its adoption.

J. F. BROADHEAD,
Chairman.

Mr. Glick of the 6th, from Committee on Judiciary, made the following report:

MR. SPEAKER:—Your Committee on Judiciary, have had under consideration House Bill No. 155, "An act providing for a Registration Law," and would report the same back and recommend that it be printed.

G. W. GLICK,

Chairman.

The following message from the Governor was taken up:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, January 1st, 1865. }

To the House of Representatives:

Your attention is invited to the published report of the Adjutant General, together with a communication from ex-Governor Carney, herewith transmitted.

S. J. CRAWFORD:

TOPEKA, January 30th, 1865.

His Excellency S. J. Crawford, Governor of Kansas:

SIR—I have the honor to present to you, for your inspection, a copy of the report of the Adjutant General. I desire that the same, together with this note, may be transmitted to the Legislature for its consideration.

The work comprises about nine hundred pages, one thousand copies of which, neatly and substantially bound, have been contracted for and now in the hands of the binder.

The difficulties attending the preparation of the work have been very great. When I went into office, there were scarcely any data whatever in the office of the Adjutant General, so that the compilation of the forthcoming report has embraced the operations of the past four years, thus rendering the labor of collecting and organizing necessary material for the volume very arduous and perplexing. The work will be found to be complete, embracing the history of every officer and private who have been and are in the various regiments properly belonging to this State. The collection of the material was a matter of absolute necessity, constituting as they do the evidence upon which a large number of claims against

the General Government will in the future be based, while the published work will always be one of great historical value and interest.

As there were no funds provided from which the expense of publication could be defrayed, I was compelled to assume the responsibility in my individual capacity. I have no doubt it is the desire of the Legislature, that the work should belong to the State, and be subject to their disposal.

The cost of one thousand copies complete with be eight thousand one hundred dollars.

I respectfully ask that an appropriation be made therefor, and that the Auditor be instructed to draw his warrant upon the Treasurer, for the amount, when the whole number of copies shall have been delivered.

Very Respectfully,

Your ob't Servant,

THOS. CARNEY.

On motion, the communication was referred to Committee on Ways and Means.

The following communication from the Reporter of the Supreme Court was read, and referred to Committee on Ways and Means:

LAWRENCE, KANSAS, January, 27th, 1865.

Hon. G. W. Glick, House Judiciary Committee, Topeka, Kansas:

DEAR SIR: The law does not impose upon the reporter of the Supreme Court the duty of making a report to your Honorable body, of his doings in and around the publishing of reports, but there are certain facts pertaining to that matter, necessarily within his knowledge alone, which it seems to me the Legislature should be possessed of in order that it may be enabled to act intelligibly in facilitating the publication of the reports. I therefore adopt this: the most practical plan I think of, to acquaint you with the following facts:

An edition of 1000 copies of 1st volume Kansas State Reports, costs as follows :

Paper, composition, press work, as per vouchers on file in the Auditor's office, about.....	\$1,500
Binding,.....	850
	<hr/> 2,350

The sum appropriated for this purpose as per General Appropriation Bill of 1864,.....	1,800
	<hr/>

Leaving a deficiency of.....	\$ 550
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I beg leave further to state there are already sufficient cases in my hands prepared for the Press, which, with those now described in the Clerks hands, and those that will probably be determined by the present and the July terms of the Supreme Court, for another volume.

Believing it to be important to the legal profession and to the jurisprudence of our State, that the cases determined in our courts be published at the very earliest moment, I am constrained to suggest that an appropriation be made by your body, at its present session, and at as early a time as possible, large enough to cover the unpaid expenses of publishing the first volume, and sufficient for publishing the second in a neat and permanent form as follows :

Estimated cost of volume 2d at present prices,.....	\$2,500
Amount for 1st volume on old appropriation,.....	550
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Amounting in all to.....	\$300,50
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I have further to say that the delay in getting the published volumes from the bindery are in a measure, and the fact that the surplus of cases already determined are not now published in pamphlet form, are wholly attributable to the fact that the appropriation of last winter was not large enough to cover the expenses.

Having a special interest in that part of the current expenses appointed for the Reporter's salary, I am impelled to express the hope that it will not be forgotten.

Truly and very Respectfully,

E. V. BANKS.

The following message from the Senate was taken up:

MR. SPEAKER:—I am directed to inform the House of Representatives that the Senate have respectfully refused to concur in House amendment or substitute for Senate Concurrent Resolution No. 19.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Glick of the 6th, moved that the House adhere to its amendment.

Carried.

Mr. Strong offered the following resolution:

Resolved, That hereafter the hour of opening the morning session be changed to 9 o'clock A. M.

Mr. Foster moved to amend by inserting half-past nine.

Lost.

The question recurring upon the original Resolution.

It was adopted.

Leave of absence was granted to Mr. Russell for one hour each morning.

Mr. Glick of the 6th, offered House Concurrent Resolution No. 15, "Relating to the North Missouri Railroad Company."

Mr. Russell moved to lay the Resolution on the table.

Lost.

The Resolution laid over under the rule.

Mr. Fletcher offered the following resolution, which was adopted:

Resolved, That the use of this Hall be granted to the Odd Fel-

lows on Thursday evening, the 9th of February, for the purpose of a lecture on Odd Fellowship, by Dr. C. A. Logan, of Leavenworth City.

By consent, Mr. Martindale, from Committee on Agriculture, made the following reports :

MR. SPEAKER:—Your Committee to whom was referred House Bill 143, entitled “An act to prevent bringing stolen stock into the State, and to seize and condemn the same when brought in,” have had the same under consideration and beg leave to recommend its passage.

WM. MARTINDALE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 154, “An act supplemental to an act amendatory to an act to provide for the running at large of swine,” approved January 28th, 1860, have had the same under consideration, and recommend its rejection.

WM. MARTINDALE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 147, entitled “An act to encourage the planting of trees along the public highways,” have had the same under consideration, and instruct me to report the same back without recommendation.

WM. MARTINDALE,

Chairman.

Mr. O'Brien offered House Concurrent Resolution No. 16, “Tendering thanks to Col. C. R. Jennison, and asking for his promotion.”

Laid over under the rules.

Mr. Strong moved that Senate Concurrent Resolution, “Extending thanks to Gen. Curtis, &c.,” be adopted.

Carried.

Substitute to House Concurrent Resolution No. 10, “Relating to

the sufferers from Price's raid in Linn and Bourbon counties," was taken up and on motion adopted.

House Concurrent Resolution No. 9. "Relating to the Santa Fe mail." was taken up.

Mr. Foster moved that the Resolution be adopted.

Lost.

The Resolution ordering the printing of 2,500 copies of the Report of the Superintendent of Public Instruction," was taken up

Mr. Russell moved to amend by striking out 2,500 and inserting 1,000.

Lost.

On motion, the Resolution was adopted.

The resolution providing "Postage stamps for members," was taken up.

Mr. Strong moved that the Resolution be laid on the table.

Lost.

Mr. Strong moved that the Resolution be indefinitely postponed.

Lost.

Mr. Payne offered the following substitute, which was lost.

Resolved, That the Secretary of State be authorized to purchase and distribute to each Township Trustee, a copy of O'Brien & Diefendorf's published General Orders of the War Department from the commencement of the present war.

Mr. Fairchild offered as an amendment to strike out postage stamps, and insert five dollars in money.

Lost.

Mr. Strong moved to postpone until the 16th day of February.

Lost.

Mr. ——— moved the previous question.

The question being “shall the main question be now put?” It was decided in the affirmative.

The question recurring on the adoption of the Resolution, the ayes and noes were demanded and taken with the following result :
Ayes 11, noes 55.

Those gentlemen voting aye, were—

Messrs. Atwood, Broadhead, Church, Finn, Houts, Hodgson, Morrow, Moody, O'Brien, Rogers, and Stewart.

Those gentlemen voting no, were—

Messrs. Abraham, Browne, Callen, Campbell of the 33d, Campbell, of the 51st, Cavender, Christy, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Foster, Fletcher, Glick of the 6th, Griswold, Gwartney, Hanway Harvey, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead Page, Payne, Perry, Rawlings, Riddle, Rice, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Storch, Stafford, Stratton, Strong, Throckmorton, Wells, West and Mr. Speaker.

And so the motion to adopt was lost.

The House adjourned.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called

Quorum present.

Mr. Glick of the 6th, introduced House Bill, No. 156, "An act to amend an act entitled an act to incorporate the city of Atchison."

Read first time.

Mr. Wells introduced House Bill No. 157, "An act in relation to a State road."

Read first time.

Mr. Finn introduced House Bill No. 158, "An act defining the boundaries of Wilson county."

Read first time.

Also House Bill No. 159, "An act in relation to Wills."

Read first time.

Mr. O'Brien introduced House Bill No. 160, "An act to repeal an act entitled an act supplemental to an act entitled an act to provide for the incorporation of Fire, Marine and Life Insurance Companies," approved March 2d, 1863.

Read first time.

By consent Mr. Griswold, from Committee on Roads and Highways, made the following report :

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 64, entitled "An act to vacate a certain road," direct me to report favorably to the Bill and recommend its passage

NELSON GRISWOLD,

Chairman.

By consent Mr. Sutherland, from Committee on Roads and Highways, made the following reports:

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 130, entitled "An act to locate a certain State road and providing for the building of a bridge," direct me to report back that they have had the same under consideration, and recommend all but the *big bridge*.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 114, direct me to report back, and recommend that it be referred to Committee on Judiciary.

D. H. SUTHERLAND,

Chairman.

The Bill was so referred.

MR. SPEAKER:—Your Committee to whom was referred numerous petitions and bills to locate certain State roads, direct me to report the same in one general Bill, and recommend its passage.

D. H. SUTHERLAND,

Chairman.

Mr. Glick of the 6th, introduced House Bill No. 162. "An act relating to Transportation and Express Companies."

Read first time.

Mr. Callen introduced introduced House Bill No. 163, "An act to locate a State road from Junction City to the western boundary of Kansas."

Read first time.

On motion of Mr. Glick of the 6th, the rules were suspended for a second reading of Bills.

House Joint Resolution No. 4, was read second time, and

Referred to Committee on Judiciary.

House Bill No. 156, was read second time, and

Referred to Special Committee consisting of Mr. Glick of the 6th.

House Bill No. 157, was read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 158, was read second time, and

Referred to Committee on County Seats and County Lines.

House Bills Nos. 159, and 162, were read second time, and

Referred to Committee on Judiciary.

On motion of Mr. Glick, House Bill No. 159 was ordered printed.

House Bill No. 160, was read second time, and

Referred to Committee on Corporations.

House Bill No. 161, was read second time, and

Ordered printed.

House Bill No. 163, was read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 30, "An act to amend an act entitled an act regulating Inclosures," approved February 11, 1859, was

Read third time.

The question being "shall the Bill pass?"

The vote resulted as follows: Ayes, 40, noes 23.

Those gentlemen voting aye were—

Messrs. Abraham, Atwood, Broadhead, Callen, Campbell of the 33d, Cavender, Christy, Church, Coffinberry, Craig, Deitrick, Dutton, Fairchild, Fletcher, Goss, Hanway, Houts, Hodgson, Hughes, Kohler, Loomis, Macdonald, Mead, Page, Payne, Perry, Rawlings, Riddle, Rice, Russell, Sammons, Shepherd, Spencer, Snyder, Storch, Stafford, Stewart, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Campbell of the 51st, Cook, Cleavinger, Finn, Foster, Glick of the 6th, Griswold, Gwartney, Harvey, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Leland, Leonard, Morrow, O'Brien, Salisbury, Seudder, and Strong.

A constitution majority having voted aye, so the Bill passed.

The title was agreed to.

A call of the House was ordered.

Absentees were brought in, and further proceedings under the call dispensed with.

House Bill No. 58, "An act to regulate County officers," was

Read third time.

The question being "shall the Bill pass?"

The vote resulted as follows : Ayes 62, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Deitrick, Dutton, Draper, Fairchild, Finn, Foster, Glick of the 6th, Goss, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leonard, Loomis, Macdonald,

Martindale, Mead, Morrow, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Storch, Stafford, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the bill passed.

The title was agreed to.

My consent, Mr. Russell introduced House Bill No. 164, "An act to amend an act to provide for the protection of game," approved May 10th, 1861.

Read first time.

On motion the rules were suspended, and House Bill No. 164 read second time, and

Referred to Committee on Agriculture.

On, motion, the House resolved itself into Committee of the Whole, for consideration of the calendar.

Mr. Russell in the chair.

After some time spent therein the Committee arose, and through its chairman reported back House Bill No. 45, "An act to amend an act relative to mutilated, lost and destroyed Bonds," with amendments, and recommended its passage as amended.

Also House Bill No. 43, "An act supplemental to an act in relation to roads," approved March 5th, 1864, with amendments, and recommended its passage as amended.

Also House Bill No. 49, "An act to amend an act entitled an act to regulate the taking up and posting of strays, and recommended that the enacting clause be stricken out.

Also House Bill No. 33, "An act to provide bounties for soldiers," and recommended that the enacting clause be stricken out.

Also Senate Bill No. 39, "An act for the protection of farmers," with amendments, and recommended its passage as amended.

Also House Bill No. 51, "An act supplemental to an act for the relief of M. G. Farnham," with amendments, and recommended its passage as amended.

Also House Bill No. 52, "An act to define the compensation of road overseers," with amendments, and recommended its passage as amended.

Also Senate Bill No. 1, "An act relating to County Commissioners," and recommended its passage.

Also House Joint Resolutions Nos. 2 and 3, "To amend section one of article ten of the Constitution," and recommended that they be made the special order for Thursday evening at 7 o'clock.

Also House Bill No. 53, "To authorize the County Commissioners of Morris county to have the Records of the District Court transcribed," and recommended its passage.

Also House Bill No. 69, "An act to provide for the consolidation of county offices," and recommended that it be referred to the Committee on Judiciary.

Also House Bill No. 70, "An act to regulate weights and measures," and recommended that the enacting clause be stricken out.

Also House Bill No. 85, "An act to appropriate road money in Mound township, Miami county, for school purposes," and recommended that the enacting clause be stricken out.

Also House Bill No. 79, "An act in regard to the condition of actions," and recommended that the enacting clause be stricken out.

Also House Bill No. 75, "An act to amend section 32 of an act entitled an act defining the powers and duties of certain State officers," and recommended that the enacting clause be stricken out.

Also House Bill No. 71, to amend an act entitled an act to estab-

lish a code of civil-procedure," with amendments, and recommended its passage as amended.

Also House Bill No. 60, "An act to prevent the running at large of Bulls." with amendments, and recommended its passage as amended.

The report of the Committee was agreed to.

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 1, 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair

Roll called.

Quorum present.

Absentees—Messrs. Abraham, Campbell of the 33d, Cook, Coffinberry, Craig, Darby, Draper, Fairchild, Foster, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Hodgson, Jordon, Kennedy of the 26th, Leland, O'Brien, Payne, Perry, Rawlings, Riddle, Sammons, Scudder, Spencer and Strong.

Journal of yesterday read and approved.

Mr. Broadhead moved a call of the House.

Carried.

Mr. Houts moved to adjourn until 10 o'clock.

Lost.

Mr. Rodney Foos was sworn in as Assistant Enrolling Clerk.

On motion further proceedings under the call of the House were dispensed with.

Mr. Church presented petition of C. C. Foote and twelve others.

Referred to Committee on Judiciary.

Mr. Campbell presented petition of W. J. Brewer and 27 other citizens of Bourbon county, praying for "An act of incorporation for the Mapleton Educational Institute."

Referred to Committee on Education.

Mr. Wells presented petition of F. J. Anderson and 95 others, "Asking for a State Road from Topeka via Holton, in Jackson county, to Elwood, in Doniphan county."

Referred to Committee on Roads and Highways.

Mr. Stewart presented remonstrance of A. D. Dombrey, and 206 others, "Against any change in the southern boundary of Allen county."

Referred to Committee on County Seats and County Lines.

Mr. Rice from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 14, "An act concerning Indian Land titles," and find the same correctly enrolled.

H. RICE,
Chairman.

Mr. Martindale, from Committee on Agriculture, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 164, "An act to amend an act to provide for the protection of game," approved May 1st, 1861, have had the same under

consideration, and instruct me to report the same back and recommend its passage.

WM. MARTINDALE,

Chairman.

Mr. Page from Committee on County Lines and County Seats, made the following report :

MR. SPEAKER :—Your Committee on Education, to whom was referred House Bill No. 141, " An act to define the western boundary line of Greenwood county," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

F. R. PAGE,

Chairman.

Mr. Throckmorton, from Committee on Railroads, made the following report :

MR. SPEAKER :—Your Committee to whom was referred Senate Concurrent Resolution, No. 28, report the same back and recommend its passage.

JOB THROCKMORTON,

Chairman.

On motion of Mr. Strong the report of the Committee was adopted, and the Resolution passed.

Mr. Stratton, from Special Committee, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 138, entitled " An act to vacate certain streets and alleys," have duly considered the same, and would beg leave to report the same back to the House with the recommendation that it pass.

C. H. STRATTON,

Chairman.

The following message from the Senate was taken up :

MR. SPEAKER :—I am directed by the Senate to inform the House of Representatives, that the Senate have passed Senate Bill No. 47, " An act providing for the permanent location of the county seat of Coffey county."

Also Senate Bill No. 7, "An act to provide for taking an enumeration of the inhabitants of the State of Kansas."

Also Senate Bill No. 46, "An act defining the western boundary line of Lyon county."

Also Senate Concurrent Resolution No. 24, "Relating to the promotion of Col. Thomas Moonlight."

Also Senate Concurrent Resolution No. 29, "Asking the Secretary of War to connect Fort Scott and Fort Riley by telegraph as a military necessity."

Also Senate Concurrent Resolution No. 32, "Memorializing Congress to place the Kansas Militia on an equality with the United States Volunteers, as to pay, pensions, &c." to all of which your concurrence is requested.

Senate have also passed House Bill No. 26, House Bill No. 38, and House Bill No. 14.

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Payne offered House Concurrent Resolution No. 19, "Relating to appointment of N. C. Clark as Commissioner," and on motion it was laid over under the rule.

Mr. Houts offered a resolution. "Relating to the arming of the members of the House."

On motion, the Resolution was laid on the table.

Mr. Abraham moved to indefinitely postpone.

Carried.

Mr. Shepherd offered the following resolution.

Resolved, That during the remainder of the session of this House, it shall hold evening sessions, and when the House adjourns in the afternoon, it shall be to meet again at 7 o'clock, P. M., and when it

adjourns in the evening, it shall be to meet again at 9:30 A. M., unless otherwise ordered.

On motion, the Resolution was laid on the table.

The following House Concurrent Resolution No. 16, "Relating to promotion of Col. C. R. Jennison," was taken up.

Resolved, By the House of Representatives, the Senate concurring, that the thanks of the Legislature of the State of Kansas, are hereby tendered to Col. C. R. Jennison, and the brave men under his command, for their part in beating the rebel horde, who recently attempted to lay waste the State of Kansas, and that in commemoration thereof, and of his many valued services, the honor of promotion, so far as we can aid, is eminently due the commander of the 15th Kansas volunteers.

Resolved, That we do therefore earnestly recommend Col. C. R. Jennison, to his Excellency the President of the United States, for promotion.

Resolved, That a copy of these resolutions be sent to the President by the Governor, and also to Col. Jennison.

Mr. Strong moved to amend by adding Col. C. W. Blair's name for promotion.

Mr. Leland moved to insert the name of Col. Williams.

Mr. Dutton moved the Resolution be indefinitely postponed.

Mr. Campbell of the 33d, moved a call of the House.

Lost.

The question being upon the motion to indefinitely postpone, upon which the ayes and noes were demanded and taken with the following result: Ayes 40, noes 24.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Callen, Christy, Church, Cook, Coffin-

berry, Cleavinger, Craig, Dutton, Draper, Finn, Griswold, Hanway, Hodgson, Hughes, Kohler, Macdonald, Martindale, Mead, Morrow, Page, Payne, Rawlings, Riddle, Rice, Russell, Sammons, Shepherd, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Atwood, Broadhead, Browne, Campbell of the 33d, Campbell of the 51st, Cavender, Darby, Deitrick, Glick of the 6th, Goss, Gwartney, Harvey, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Leland, Loomis, Moody, O'Brien, Pefry, Rogers, Salisbury and Scudder.

And so the motion to indefinitely postpone was carried.

By consent, Mr. Rice offered the following resolution :

Resolved, That the Hon. M. S. Adams be admitted to a seat within the bar of the House.

Adopted.

By consent, Mr. Russell offered the following resolution, which was adopted :

Resolved, That the use of this Hall be granted on Tuesday afternoon and evening next to the Young Ladies' Aid Society, for the purpose of holding a Fair and Festival to raise money to aid sick and disabled soldiers of Kansas.

The following preamble and House Concurrent Resolution No. 15, relating to the North Missouri Railroad, was taken up :

WHEREAS, The North Missouri Railroad Company is desirous of extending the west branch of its road to a point on the Missouri river opposite the city of Leavenworth and connecting with the Atchison and Weston Railroad, and extending the same to the city of St. Joseph. And

WHEREAS, the completion of such road would be of great value

to the business and commercial interests of the State of Kansas, therefore be it,

Resolved, By the House of Representatives, Senate concurring, that the sympathies and good wishes of the Legislature of the State of Kansas, are hereby extended to the North Missouri Railroad Company in their laudable efforts to complete the west branch of the Railroad, and the people of Kansas will welcome them to our border as friends, and pledge to them their full share of the business and commerce of our young State.

Resolved, That the Secretary of State is hereby directed to forward to Hon. Isaac H. Sturgeon, President of the North Missouri Railroad Company, this preamble and resolutions.

Mr. Strong moved the Resolution be adopted.

Carried.

By consent Mr. Martindale, from Committee on Agriculture, made the following report:

MR. SPEAKER:—Your Committee on Agriculture to whom was referred the part of the Governor's Message, relating to Geological survey, have had the same under consideration and would report the following Bill, and recommend its passage.

WM. MARTINDALE,
Chairman.

Mr. Martindale introduced House Bill No. 165, "An act making an appropriation for a Geological survey."

Read first time.

Mr. O'Brien introduced House Bill No. 166, "An act to provide for the expenses of the militia, and for payment of claims and damages arising out of the Price-raid."

Read first time.

Mr. Callen introduced House Bill No. 167, "An act to locate a State road from Junction City to Buffalo Creek."

Read first time.

Mr. Deitrick introduced House Bill No. 168, "An act to locate a State road."

Read first time.

Senate Bill No. 7, "An act to provide for taking an enumeration of the State of Kansas."

Read first time.

Senate Bill No. 46, "An act defining the western boundary line of Kansas."

Read first time.

Senate Bill No. 47, "An act providing for the permanent location of the county seat of Coffey county."

Read first time.

Mr. Strong moved the rules be suspended for a second reading of Bills.

Carried.

House Bill No. 166, also Senate Bill No. 7, were read a second time, and

Referred to Committee on Ways and Means.

House Bills Nos. 167 and 168, were read second time, and

Referred to Committee on Roads and Highways.

House Bills Nos. 46 and 47, were read second time, and

Referred to Committee on County Seats and County Lines.

On motion the House resolved itself into a Committee of the

Whole for the consideration of the calendar.

Mr. Russell in the chair.

After some time spent therein the Committee arose and through its chairman reported back to the House, House Bill No. 88, "An act to authorize County Commissioners to make certain appropriations," and recommended that the enacting clause be stricken out.

Also House Bill No. 77, "An act to raise means to test the Geological report for coal in this State," and recommended the enacting clause be stricken out.

House Bill No. 82, "An act to amend an act entitled as act to regulate elections, and provide for qualifications of voters, and prevent illegal voting," approved May 23d, 1861, and recommended its passage as amended.

On motion House Bill No. 74, was stricken from the calendar.

House Bill No. 119, "An act to amend an act entitled an act to establish a code of civil procedure," and recommended its passage as amended.

House Bill No. 16, "An act to meet the salary and expenses of the Territorial Superintendent of Common Schools," and recommended the enacting clause be stricken out.

House Bill No. 22, "An act to establish a certain State road," and recommended its passage as amended.

Reported progress on House Bill No. 99, "An act to encourage the destruction of wolves and wild cats," and ask leave to sit again.

Report of Committee was agreed to.

On motion. House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

The House was called to order.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Rice, from Committee on Enrolled Bills, made the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have this day presented to the Governor for his signature, House Bill No. 14, "An act concerning Indian land titles."

H. RICE,
Chairman.

Mr. Leonard, from Committee on Engrossed Bills, made the following report :

MR. SPEAKER:—Your Committee on Engrossed Bills have examined Senate Bill No. 1, House Bill No. 13, House Bill No. 45, House Bill No. 51, House Bill No. 52, House Bill No. 53, House Bill No. 60, House Bill No. 70 and House Bill No. 71, and find the same correctly engrossed.

M. R. LEONARD,
CHAS. C. COFFINBERRY.

Leave of absence was granted to Mr Campbell of the 33d.

Mr. Leonard from Committee on Engrossed Bills, made the following reports :

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 22, House Bill No. 82, and House Bill, No. 119, and find the same correctly engrossed.

M. R. LEONARD,
Chairman pro. tem.

MR. SPEAKER: Your Committee have examined Senate Bill No. 30, "An act to amend an act entitled an act to amend an act entitled an act to establish a code of civil procedure," and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro. tem.

Mr. Glick of the 6th, moved the rules be suspended that Bills reported correctly engrossed be put upon their third reading.

Carried.

Senate Bill No. 30, "An act to amend an act entitled an act to amend an act entitled an act to establish a code of civil procedure."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being demanded, resulted as follows: Ayes 63, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dutton, Finn, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy, of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storeh, Stafford, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 1, "An act relating to the duties of County Commissioners."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called for, resulted as follows: Ayes 61,
noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cleavinger, Craig, Darby, Deitrick, Dutton, Finn, Foster, of the 30th, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy, of the 36th, Kennedy of the 26th, Köhler, Leland, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted in the affirmative, so the Bill passed.

The title was agreed to.

House Bill No. 43, "An act supplemental to an act in relation to roads," approved March 1st. 1864.

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 63,
noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dutton, Finn, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy of the 36th, Kennedy of the 26th, Leland, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stew-

art, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 43, "An act supplemental to an act in relation to roads," approved March 1st, 1864.

Read third time.

The question being, shall the Bill pass?

The ayes and noes being demanded, resulted as follows: Ayes 60, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Callen, Campbell of the 51st Cavender, Christy, Church, Cook, Craig, Darby, Deithrick, Dutton, Finn, Glick, of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West, and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 51, "An act supplemental to an act for the relief of Moulton G. Farnham."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called for, resulted as follows: Ayes 60, noes 8.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dutton, Finn, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Perry, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Stratten, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Campbell of the 51st, Dillie, Glick of the 31st, Hendricks, Lowe, McLellan, Smith, and Swift.

A constitutional majority having voted in the affirmative, so the Bill passed.

The title was agreed to.

House Bill No. 52, "An act to define compensation for Road Overseers."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called for, resulted as follows: Ayes 57, noes 4.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell, of the Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, 51st, Dutton, Fletcher, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Perry, Rawlings, Rice, Rogers, Russell, Salisbury, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Draper, Finn, Sammons and Scudder.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 53, "An act to authorize the County Commissioners of Morris county to have the records of the District Court transcribed."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being demanded, resulted as follows: Ayes 62, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Detrick, Dutton, Draper, Finn, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 70, "An act regulating weights and measures."

Read third time.

The question being, shall the Bill pass.

The ayes and noes being demanded, resulted as follows: Ayes 63, noes none.

Those gentlemen voting aye were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Darby, Deitrick, Dutton, Draper, Finn, Fletcher, Glick of the 6th, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the bill passed.

The title was agreed to.

House Bill No. 71, "An act to amend an act entitled an act to establish a code of criminal procedure."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being demanded, resulted as follows: Ayes 64, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Draper, Fairchild, Finn, Foster of the 30th, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 22. "An act to establish a certain road."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being demanded, resulted as follows: Ayes 63,
noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Fairchild, Finn, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spenoer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 82. "An act in relation to County Treasurers."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being demanded, resulted as follows: Ayes 48,
noes 15.

Messrs. Abraham, Broadhead, Browne, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Finn, Glick of the 6th, Griswold, Hanway,

Harvey, Hodgson, Kennedy of the 36th, Kohler, Leland, Leonard, Macdonald, Martindale, Morrow, O'Brien, Moody, Page, Payne, Rawlings, Riddle, Rogers, Russell, Spencer, Sutherland, Storch, Stafford, Stratton, Strong, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Callen, Goss, Gwartney, Houts, Hughes, Jordon, Karr, Kennedy, of the 26th, Mead, Rice, Sammons, Salisbury, Scudder, Shepherd and Snyder.

A constitutional majority having voted in the affirmative, so the Bill passed.

The title was agreed to.

House Bill No. 119, "An act to amend an act entitled an act to establish a code of civil procedure."

Read third time.

The question being, shall the bill pass?

The ayes and noes being demanded, resulted as follows: Ayes 65, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Finn, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion, the House resolved itself into Committee of the Whole for the consideration of the calendar.

Mr. Russell in the chair.

After some time spent therein the Committee arose and through its chairman reported back to the House Bill No. 99, "An act to encourage the destruction of wolves and wild cats," and recommended the enacting clause be stricken out.

Also House Bill, No. 21, "An act in relation to the Deaf and Dumb," and recommended its passage as amended.

Also House Bill No. 100, "An act to prohibit the running at large of stock in cities and towns," and recommended the enacting clause be stricken out.

Also Senate Bill No. 39, "An act for the protection of farmers," and recommended the indefinite postponement of the same.

The report of the Committee was agreed to.

Message from the Senate.

MR. SPEAKER:—I am directed to inform the House of Representatives, that the Senate have appointed Messrs. Houston, Potter, and Foote as a Committee on the part of the Senate to confer with a like Committee on the part of the House, to jointly confer on Senate Concurrent Resolution No. 19, authorizing the State Treasurer to receive and receipt for certain moneys, now due to the State from the General Government.

A. SMITH DEVENNEY,
Secretary of the Senate.

By consent, Mr. Strong offered the following resolution, which was adopted:

Resolved, That the ladies of the Episcopal Church be allowed the use of this Hall on Friday evening next.

By consent, Mr. Cook offered the following resolution:

Resolved, That the use of this Hall be granted to B. T. Mudge, State Geologist, on next Friday evening, for an address on the geology of Kansas.

Laid over under the rules.

On motion the House adjourned.

MORNING SESSION.

TOPEKA, FEB. 2, 1865, 9 O'CLOCK, A M

House called to order.

Speaker in the chair

Roll called.

Quorum present.

Absentees—Messrs. Abraham, Browne, Dutton, Goss, Griswold, Gwartney, Jordan, Karr, Kennedy of the 24th, Kohler, Leland, Macdonald, Marsindale, Moody, Perry, Rice, and Throckmorton.

Prayer by Rev. Peter McVicar.

Journal of yesterday read and approved.

Mr. Shepherd, presented petition of Peter Keys and 38 others, for a certain State road.

Referred to Committee on Roads and Highways.

Mr. Broadhead presented petition of J. D. Thompson, and nine others, praying for chartered rights to control certain water privileges in the Spring river country.

Referred to Committee on Judiciary.

Mr. Stewart presented remonstrance of D. B. Stewart and 20 other voters of Allen county, against changing the southern boundary of said county.

Referred to Committee on County Lines and County Seats.

Messrs. Hodgson and Loomis presented sundry petitions of citizens of Linn county praying for the submission of the location of the county Seat of Linn county to a vote of the legal voters of said county.

Referred to Committee on County Lines and County Seats.

Mr. Christy, presented petition of J. H. Glidden and others, praying for the location of the northern boundary of Neosho county.

Referred to Committee on County Lines and County Seats.

Mr. Abraham presented petition of C. Witherington and 37 others, praying for a change in the western boundary of Nemaha county.

Referred to Committee on County Lines and County Seats.

Mr. Craig, from Committee on Education, made the following report:

MR. SPEAKER:—Your Committee on Education, to whom was referred an act entitled "An act for the government and regulation of the State Lunatic Asylum," respectfully ask for further time.

WARNER CRAIG,

Chairman.

Further time was granted.

Mr. Strong from Committee on Ways and Means made the following report.

MR. SPEAKER:—Your Committee on Ways and Means, have

had under consideration Senate Bill No. 14, "Providing for the annual rent of the Capitol buildings," report the same back to the House and recommend its passage.

N. Z. STRONG,

Chairman.

Mr. Morrow, from Committee on Claims, made the following reports:

MR. SPEAKER:—Your Committee on Claims, beg leave to make the following report: They have had under consideration the claim of Jas. D. Snoddy for publication of notice of Q. M. General and P. M. Gen. K. S. M., and recommend that it be allowed.

WM. MORROW,

Chairman.

MR. SPEAKER:—Your Committee on Claims to whom was referred House Bill No. 125, "An act for the relief of Dr. S. E. Martin," have had the same under consideration and instruct me to report it back to the House and recommend its rejection.

WM. MORROW,

Chairman.

Mr. Leonard, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills, have examined House Bill No. 21, "An act in relation to the Deaf and Dumb," and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro tem.

Mr. Page, from Committee on County Lines and County Seats, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 131, "An act to enlarge Atchison County, by taking territory from Jefferson County," have had the same under consideration and instruct me to report the same back to the House and recommend its rejection.

F. R. PAGE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 102, "An act defining the boundary lines of Marion county," have had the same under consideration and instruct me to report the same back and recommend its passage.

F. R. PAGE,
Chairman.

Mr. Rice, from Committee on Enrolled Bills, made the following reports:

MR. SPEAKER:—Your Committee on Enrolled Bills, have examined House Bill No. 26, "An act to detach the Counties of Saline, Dickinson, and Ottawa from the county of Davis and attach the counties of Dickinson and Ottawa to the county of Saline."

Also House Bill No. 38, "An act to attach Greenwood county to Lyon county for Judicial purposes," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,
Chairman.

Mr. Callen, from Select Committee, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 153, "An act to vacate a certain alley in Cuddy's addition to Junction City," have had the same under consideration, and after a full investigation respectfully recommend its passage.

A. W. CALLEN,
Chairman.

Message from the Governor:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 1st, 1865. }

To the House of Representatives:

I have approved House Bill No. 14, "An act concerning Indian Land titles."

S. J. CRAWFORD.

Mr. Deitrick offered the following resolution:

Resolved, That this House receive no more Bills after the 5th day of February, 1865.

Laid over under the rules.

Mr. Hanway offered the following resolution, which was adopted :

Resolved. That a Committee of conference be appointed by the House to confer with the Senate, in regard to the resolution to draw from the Government certain moneys.

The Speaker appointed as such Committee, Messrs. Hanway, Fairchild, Stafford, Hodgson and West.

Senate Concurrent Resolution No. 24, " Asking the promotion of Col. Thomas Moonlight." was taken up.

Mr. Strong moved to amend by adding the name of Col. Blair.

Lost.

Mr. Broadhead moved to amend by adding the name of Col. Jen-nison.

Mr. Russell moved that the amendment be laid on the table.

Carried.

House Concurrent Resolution No. 5, " Relating to the State Library," was taken up.

Mr. Glick of the 6th, moved to lay the Resolution on the table.

Carried.

Senate Concurrent Resolution No. 32, " Relating to pay and pensions for Kansas Militia," was taken up.

On motion of Mr. Stratton, the Resolution was " adopted.

Senate Concurrent Resolution No. 29, " Asking for a telegraphic connection between Fort Scott and Fort Riley." was taken up, and on motion of Mr. Page adopted.

By consent, Mr. Fletcher introduced House Concurrent Resolution No. 20, "Relating to the erection of a monument in the Topeka Cemetery, over the graves of the Kansas soldiers."

Mr. Fletcher moved that the rules be suspended for the consideration of the Resolution.

Lost.

Laid over under the rules.

The resolution granting the use of the Hall to Prof. Mudge on Saturday night was taken up, and on motion adopted.

Mr. Loomis introduced House Bill No. 169, "An act to provide for the location of the County Seat of Linn county."

Read first time.

Mr. Spencer introduced House Bill No. 170. "An act to amend the School Laws."

Read first time.

Mr. Christy introduced House Bill No. 171. "An act to restrain dram shop keepers."

Read first time.

Mr. Shepherd introduced House Bill No. 172. "An act to establish a certain State road."

Read first time.

Mr. Macdonald introduced House Bill No. 173, "An act supplemental to an act to incorporate cities of Kansas."

Read first time.

Mr. Morrow introduced House Bill No. 174, "An act to establish a bridge over the Kansas river."

Read first time.

Mr. Storch introduced House Bill No. 176, "An act to amend an act entitled an act to establish a code of civil procedure."

Read first time.

Mr. Wells introduced House Joint Resolution No. 5, "Ratifying the amendment to the Constitution of the United States."

Read first time.

Mr. Storch moved to suspend the rules for the second and third reading of the Resolution.

Lost.

Col. J. T. Burris was on motion invited to a seat within the bar.

Message from the Senate :

MR. SPEAKER:—I am directed to inform the House that the Senate have passed Senate Concurrent Resolution No. 23, "Memorializing Congress to ratify a treaty with the Delaware tribe of Indians," with certain amendments.

Also passed House Concurrent Resolution No. 15, "Relating to the North Missouri Railroad."

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Strong introduced House Bill No. 177, "An act for the protection of lands adjacent to enclosures."

Read first time.

Mr. Strong moved the rules be suspended for second reading of Bills.

Carried.

House Bill No. 169, was read second time, and

Referred to Committee on County Lines and County Seats.

House Bill No. 170, was read second time, and

Referred to Committee on Education.

House Bill No. 171, was read second time, and

Referred to Special Committee.

House Bills Nos. 172, and 175, were read second time. and

Referred to Committee on Roads and Highways.

House Bill No. 173, was read second time, and

Referred to Committee on Corporations.

House Bill No. 174, was read second time, and

Referred to Committee on Incorporations.

House Bill No. 176, was read second time, and

Referred to Committee on Judiciary.

House Joint Resolution No. 5, was read second time, and

Referred to Committee on Federal Relations.

House Bill No. 177, and Senate Bill No. 54, were read second time, and

Referred to Committee of the Whole to-day.

The Speaker appointed as Special Committee on House Bill No 171, Messrs. Christy, Stewart, Perry, Darby and Church.

Message from the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House, that the Senate have concurred in House amendments to Senate Bill No. 30 amending the code of civil procedure.

A. SMITH DEVENNEY.

Secretary of the Senate.

House Bill No. 60. "An act to prevent the running at large of Bulls."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 43, noes 17.

Those gentlemen voting aye were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Draper, Fairchild, Fletcher, Hanway, Hughes, Jordon, Karr, Kennedy of the 36th, Leonard, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Rawlings, Riddle, Rice, Rogers, Russell, Salisbury, Shepherd, Spencer, Strong, Stewart, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Browne, Deitrick, Foster, Gwartney, Houts, Hodgson, Kennedy of the 26th, Kohler, Leland, Loomis, Payne, Perry, Scudder, Snyder, Sutherland, Storch, and Wells.

A constitutional majority having voted aye, so the bill passed.

The title was agreed to.

House Bill No. 21, "An act in relation to the Deaf and Dumb."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 61, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Fairchild, Finn,

Foster, Gwartney, Hanway, Houts, Hodgson, Hughes, Jordop, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Throckmorton, Wells, West and Mr. Speaker.

Mr. Glick of the 6th, voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Message from the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have concurred in House Concurrent Resolution No. 9, "Relating to the Santa Fe mails."

A. SMITH DEVENNEY,
Secretary of the Senate.

On motion Mr. Russell was unanimously elected Permanent Chairman of the Committee of the Whole.

On motion, the House resolved itself into Committee of the Whole for the consideration of the calendar.

Mr. Russell in the chair.

After some time spent therein, the Committee arose and through its chairman reported back House Bill No. 177, "An act for the protection of lands adjacent to enclosures," and recommended its passage.

Also House Bill, No. 47, "An act to amend an act to establish certain State roads," with amendments, and recommended its passage as amended.

Also House Bill No. 87, "An act to provide for the appointment of a Commissioner in behalf of the Americus Town Company," with amendments, and recommended its passage as amended.

Also House Bill No. 101, "An act to authorize the District Judges to appoint a Board of Auditors to investigate the situation of the affairs of the county and the acts and proceedings of the County Commissioners," and recommended that the enacting clause be stricken out.

Also House Bill No. 103, "An act authorizing County Commissioners to let the building of bridges," and recommended that the enacting clause be stricken out.

Also House Bill No. 73, "An act to provide for the sale of school lands," and recommended that the enacting clause be stricken out.

Also House Bill No. 80, "An act defining the liabilities of common carriers," and recommended that the enacting clause be stricken out.

Also House Bill No. 91, "An act to consolidate certain county officers and supplemental and amendatory to an act entitled an act relating to counties and county officers, and to repeal all acts in consist with this act," and recommended that all after the enacting clause be stricken out, and all after the enacting clause of House Bill No. 121 inserted.

The report of the Committee was agreed to.

On motion of Mr. Cook, House Bill No. 72, was ordered printed.

House adjourned.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called

Quorum present.

On motion the House resolved itself into Committee of the Whole for consideration of the calendar.

After some time spent therein, the Committee arose and through its chairman reported back House Bill No. 115, an act supplemental to an act regulating crimes and punishment of crimes against the persons of individuals," with amendments, and recommended its passage as amended.

Also House Bill No. 116 "An act exempting certain property from taxation," and recommended that the enacting clause be stricken out.

Also House Bill No. 96, "An act to amend an act entitled an act for the relief of occupying claimants of land," approved March 4th, 1863, and recommended that the enacting clause be stricken out.

Also House Bill No. 118, "An act appropriating certain moneys in Morris county," and recommended that it be stricken from the calendar.

Also House Bill No. 134, "An act to repeal an act to provide for the redemption of real estate sold under execution, order of sale, or other final process," approved June 4th, 1861, and recommended that the enacting clause be stricken out.

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Also, House Bill No. 136, "To repeal section 9 of an act entitled an act to abolish Grand Juries, and to provide for the trial of offenses upon information," and recommended its passage.

Also House Bill No. 122, "To change the name of the office of County Clerk to that of County Auditor," and recommended its passage.

Also House Bill No. 133, "An act to amend an act relating to counties and county officers," and recommended that the enacting clause be stricken out.

Also House Bill No. 127, "An act repealing all laws imposing a poll tax for State or County purposes," and recommended that the enacting clause be stricken out.

Also House Bill No. 132, "An act to encourage the manufacture of salt," and recommended that the enacting clause be stricken out.

Also House Bill No. 129, "An act to establish a ferry across the Kansas river, at or near Eudora in Douglas county," and recommended that the enacting clause be stricken out.

The report of the Committee was agreed to.

By consent, Mr. Page, from Committee on County Lines and County Seats, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 28, "An act relating to the boundaries of Douglas county," have had the same under consideration, and a portion of them instruct me to report the same back and recommend its passage.

F. R. PAGE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 169, "An act to provide for the location of the county seat of Linn county," have had the same under consideration, and instruct me to report the same back to the House, and recommend that the general law be so amended as to become applicable to the provisions of the Bill.

F. R. PAGE,

Chairman.

Mr. Dutton, from Committee on County Lines and County Seats, made the following report :

MR. SPEAKER :—The undersigned members of your Committee to whom was referred Senate Bill, No. 29, entitled "An act relating to the boundaries of Douglas county," beg leave to report that after a faithful examination of the facts, we are satisfied that a majority of the actual residents, living upon the tract sought to be attached to Douglas county, are bitterly opposed to the provisions of the Bill. We would therefore report against the passage of the same, and respectfully ask your Honorable body to reject it.

M. R. DUTTON,
WM. MARTINDALE.

The House adjourned.

EVENING SESSION.

7 O'CLOCK P. M.

The House was called to order.

Speaker in the chair.

Roll called.

No quorum.

A call of the House was ordered.

Absentees were brought in and further proceedings under the call dispensed with.

Mr. Glick of the 6th. moved that Joint Resolution No. 4. be made special order with Nos. 2 and 3 for this evening.

Carried.

Mr. Houts moved that the House adjourn.

Lost.

On motion, the House resolved itself into Committee of the Whole, for consideration of House Joint Resolutions Nos. 2, 3 and 4.

Mr. Russell in the chair.

After some time spent therein, the Committee arose and through its chairman reported progress on House Joint Resolutions Nos. 2, 3 and 4.

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 3, 1865. 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair

Roll called.

Quorum present.

Absentees—Messrs. Browne, Finn, Gwartney, Jordon, Leonard, Macdonald, Page, Riddle, Rice, Stratton and Strong.

Prayer by Rev. Father De Fouri.

Journal of yesterday, read and approved.

Leave of absence granted Mr. Farren, Sergeant-at-Arms, until Monday next.

Mr. E. H. Marsh was invited to a seat within the bar of the House.

By consent Mr. Stratton withdrew Bill No. 108.

Mr. Page, from Committee on County Lines and County Seats, made the following reports :

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 47 "An act providing for the permanent location of the county seat of Coffey county," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

F. R. PAGE,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 158, "An act defining the boundaries of Wilson county," have had the same under consideration, and a majority of them instruct me to report the same back to the House and recommend its passage.

F. R. PAGE,

Chairman.

On motion of Mr. Throckmorton, the rules were suspended, Senate Bill No. 47 considered engrossed and ordered to a third reading.

Mr. Spencer, from Committee on Internal Improvements, made the following report :

MR. SPEAKER:—Your Committee on Internal Improvements, to whom was referred House Bill No. 174, beg leave to report it back to the House and recommend that it be printed.

J. S. SPENCER,

Chairman.

Mr. Leonard, from Committee on Engrossed Bills, made the following report :

MR. SPEAKER:—The Committee on Engrossed Bills, have examined House Bill No. 122, House Bill No. 121, House Bill No. 47, House Bill No. 115 and House Bill No. 144, and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro. tem.

Mr. Sutherland, from Committee on Roads and Highways, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 151, entitled “ An act locating a State road from Lawrence to Hiawatha, have had the same under consideration, and instruct me to report the same back and recommend its passage.

D. H. SUTHERLAND,
Chairman.

Mr. Craig, from Committee on Education, made the following report :

MR. SPEAKER :—Your Committee on Education, to whom was referred House Bill No. 170, entitled “ An act to amend school laws.” report the same back and recommend its passage.

WARNER CRAIG,
Chairman.

Mr. Page, from Committee on County Lines and County Seats, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 95, “ An act to establish the south line of Allen county,” have had the same under consideration, and a majority of them instruct me to report the same back to the House and recommend its passage.

F. R. PAGE,
Chairman.

Mr. Stewart moved that House Bill No. 95 be referred to Committee of the Whole to-day.

Carried.

Mr. Craig, from Committee on Education made the following report :

MR. SPEAKER :—Your Committee on Education to whom was referred House Bill No. 123, entitled “ An act for the government and regulation of the State Insane Asylum, report the same back

and ask that it be referred to the Committee on Public Institutions.

WARNER CRAIG,

Chairman.

The Bill was so referred.

Mr. Benton, from Committee on State Penitentiary, asked further time to make a report :

Further time was granted.

Message from the Governor :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February, 2d. 1865. }

To the House of Representatives :

I have approved House Bill No. 26, "An act to detach the counties of Saline, Dickinson and Ottawa from the county of Davis, and attach the counties of Dickinson and Ottawa to the county of Saline."

Also House Bill No. 38, "An act to attach Greenwood county to Lyon county for judicial purposes." S. J. CRAWFORD.

By consent, Mr. Broadhead, from Committee on Federal Relations, made the following reports:

MR. SPEAKER :—The Committee on Federal Relations, to whom was referred House Concurrent Resolution, tendering the thanks of the Legislature to the cities of Lawrence and Wyandotte for their hospitality to members of this body, report the same back without recommendation.

J. F. BROADHEAD,

Chairman.

MR. SPEAKER :—Your Committee to whom was referred House Concurrent Resolution No. 6, "Ratifying the amendment to the Constitution of the United States," report the same back, suggesting that we defer action on the subject till we receive official information of the passage of the said amendment by Congress.

J. F. BROADHEAD,

Chairman.

Message from the Senate :

MR. SPEAKER :—The Senate have passed Senate Concurrent Resolution No. 38, " Relating to Auditing Militia Claims of officers and men of the militia, and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

The following House Concurrent Resolution No. 20, was taken up:

WHEREAS, The citizens of Shawnee county are desirous of erecting a monument in the Topeka cemetery over the remains of Kansas soldiers, who fell in the late campaign against Price; and

WHEREAS, The said citizens of Shawnee county are engaged in raising contributions for that object; therefore

Resolved, By the House of Representatives, the Senate concurring therein, that one thousand dollars be appropriated out of any money in the Treasury not otherwise appropriated, to aid in the construction of said monument.

Mr. Leland moved that the resolution be indefinitely postponed.

Carried.

The following resolution was taken up:

Resolved, That this House receive no more Bills after the 5th day of February, 1865.

On motion, the Resolution was laid on the table.

By consent, the following Concurrent Resolution was taken up.

WHEREAS, The currency of the United States government with which the soldiers of our armies are paid, has depreciated from a gold basis, to such an extent that the cost of all the necessaries of life have accordingly increased and consequently the pay allowed to the

private soldiers is utterly inadequate to sustain them and their families. Therefore be it

Resolved, By the House of Representatives of the State of Kansas, the Senate concurring therein, that we deem it highly proper, and our imperative duty to appeal in their behalf to the President of the United States, to the Secretary of War, and to the Senate and House of Representatives in Congress assembled, that such action may immediately be taken so as to increase the pay of our private soldiers to an amount adequate to their wants and the support of their families.

Resolved, That the Secretary of State be requested immediately upon the passage of these resolutions to forward a copy of the same to the President of the United States, to Gen. Lane, S. C. Pomeroy, our member of Congress, and to the Secretary of War, and the Speaker of the House of Representatives.

Mr. Russell offered the following amendment:

Resolved, That our Senators are hereby instructed, and our Representative is requested to use their utmost endeavors to accomplish the passage of such a law, as shall give to the private soldiers of our army, such pay as the Resolutions contemplate.

Adopted.

Mr. Harvey moved to strike out of the preamble the words "the currency of the United States Government, with which the soldiers of our army are paid, has depreciated from a gold basis to such an extent that," and also the word "accordingly" in the same preamble.

Adopted.

The Resolution as amended, passed.

By consent, Mr. Page, from Committee on County Lines and County Seats, made the following report :

MR. SPEAKER—Your Committee to whom was referred Senate Bill No. 46, "An act defining the western boundary line of Lyon county," have had the same under consideration, and instruct me to report the same back to the House, and recommend that it be considered in Committee of the Whole, to-day. F. R. PAGE,
Chairman.

The Bill was so referred.

Mr. Moody moved a reconsideration of the vote, by which Senate Bill No. 47 was ordered to a third reading.

Lost.

Mr. Cook moved to reconsider the vote by which the Resolution, relating to the promotion of Col. Thomas Moonlight was laid on the table, upon which the ayes and noes were demanded and taken with the following result: Ayes 36, noes 31.

Those gentlemen voting aye, were—

Messrs. Browne, Callen, Cavender, Cook, Cleavinger, Darby, Deitrick, Dutton, Dillie, Fairchild, Goss, Griswold, Hanway, Harvey, Houts, Karr, Kohler, Leland, Leonard, Martindale, Mead, Payne, Perry, Rawlings, Riddle, Rice, Scudder, Shepherd, Snyder, Sutherland, Stafford, Stratton, Stewart, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Atwood, Broadhead, Campbell of the 51st, Christy, Church, Coffinbury, Craig, Draper, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Hodgson, Jordon, Kennedy of the 26th, Loomis, Macdonald, Morrow, Moody, O'Brien, Page, Rogers, Sammons, Salisbury, Spencer, Storch, Swift and Wells.

So the motion to reconsider prevailed.

Mr. Broadhead moved the whole matter be indefinitely postponed.

Mr. Payne moved the Resolution be made the special order for to-morrow at 2 P. M.

Mr. Houts moved the Resolution be laid on the table.

Lost.

The motion to postpone until 2 P. M. to-morrow, prevailed.

By consent, Mr. Glick of the 31st, introduced petition of J. A. Chapman, in regard to a certain section of school land in Pottawatomie county, Kansas.

Message from the Senate:

MR. SPEAKER:—I am directed to inform the House that the Senate have passed House Bill No. 50, "Authorizing Franklin county to issue bonds to build a jail."

A. SMITH DEVENNEY,
Secretary of the Senate.

Concurrent Resolution, "Memorializing Congress to ratify a treaty with the Delaware Indians," was ordered printed.

Senate Concurrent Resolution No. 8, was taken up, and on motion adopted.

Senate Concurrent Resolution, extending a vote of thanks to the citizens of Lawrence and Wyandotte was taken up

Mr. Strong moved that the resolution be laid on the table, upon which the ayes and noes were demanded and taken with the following result: Ayes 48, noes 19.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Callen, Christy, Coffinberry, Cleavinger, Darby, Deitrick, Dutton, Dillie, Fairchild, Finn, Foster, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Hodgson, Jordon, Kennedy of the 36th, Kennedy of the 26th, Leland, Loomis, Martindale, Mead, O'Brien, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

—Messrs. Abraham, Broadhead, Browne, Cavender, Church, Cook, Fletcher, Glick of the 31st, Harvey, Houts, Karr, Kohler, Leland, Macdonald, Moody, Perry, Rice and Stewart.

So the motion to lay on the table prevailed.

Mr. Strong moved that the report of the Committee on the Resolution ratifying amendment to the National Constitution, be adopted.

Carried.

Mr. Page moved that the House go into Committee of the Whole.

The Speaker ruled the motion out of order.

Mr. Page appealed from the decision of the chair.

The question being, shall the decision of the chair be sustained? it was decided in the affirmative.

Mr. Houts introduced House Bill No. 178, "An act to protect the local merchants of Pottawattomie county."

Read first time.

Mr. Fletcher introduced House Bill No. 179, "An act to amend an act relating to the binding of the laws and journals of both Houses of the Legislature and balance of public documents."

Read first time.

Mr. Shepherd introduced House Bill No. 180, "An act to vacate certain streets and alleys."

Read first time.

Mr. Macdonald introduced House Bill, No. 181, "An act regu-

lating the compensation of persons engaged in the location of State roads."

Read first time.

Mr. Wells introduced House Bill No. 182, "An act to establish State road from Marysville Marshall, county to Louisville in Pottawattomie county."

Read first time.

Also House Bill No. 183, "An act to define the compensation of Probate Judges."

Read first time.

Also House Bill No. 184, "An act to establish a State road from Irving, Marshall county, to Seneca in Nemaha county."

Read first time.

Also House Bill No. 185, "An act to establish a State road from Marysville in Marshall county, to Louisville in Pottawattomie county."

Read first time.

Mr. Griswold introduced House Bill, No. 186, "An act to locate a certain State road."

Read first time.

Mr. O'Brien introduced House Bill No. 187, "An act to prevent the unholy alliance of Negroes and Democrats."

● Read first time.

Mr. Callen introduced House Bill No. 188, "An act to change a certain portion of the State road from Junction City to Council Grove."

Read first time.

Mr. Benton introduced House Joint Resolution No. 6, "To amend section 1 of article 5, of the Constitution of the State of Kan-

Read first time.

By consent, Mr. Dillie presented petition of B. B. Francis and 49 others, asking for the vacation of certain parts of the town of Gardner.

Referred to Committee on Corporations.

House Bill No. 177, "An act to protect lands adjacent to enclosures," was

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows : Ayes 52 noes 7.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Callen, Campbell, of the 51st, Cavender, Christy, Church, Coffinberry, Darby, Dutton, Draper, Fairchild, Finn, Fletcher, Glick of the 31st, Griswold, Gwartney, Hanway, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Payne, Perry, Riddle, Rice, Rogers, Russell, Salisbury, Scudder, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Deitrick, Dillie, Rawlings, Sammons, Snyder, Sutherland and Storch.

A constitutional majority having voted in the affirmative, so the Bill passed.

The title was agreed to.

Mr. Houts moved that the House adjourn.

Lost.

House Bill No. 47, "An act to amend an act entitled an act to establish certain State roads,"

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 62, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Draper, Fairchild, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leonard, Loemis, Macdonald Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton and Mr. Speaker.

Mr. West voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 87, "An act to provide for the appointment of a Commissioner to make deeds in behalf of the Americus Town Company."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 65, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 51, Cavender, Christy, Church, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Houts, Hodgson, Jordan, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 122, "An act to change the name of the office of County Clerk to that of County Auditor."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows : Ayes 60, nays 3.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Hodgson, Jordan, Karr, Kennedy, of the 36th, Kennedy of the 26th, Kohler, Leonard, Loomis, Martindale, Mead, Morrow, Moody, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Darby, Houts and Macdonald.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 121, "An act to protect the debts due to persons in the volunteer service of the United States."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 59, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Griswold, Hanway, Harvey, Houts, Hodgson, Karr, Kennedy of the 36th, Kennedy of the 26th, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stafford, Stratton, Swift, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 115, "An act supplemental to an act regulating crimes, and punishment of crimes against the persons of individuals."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 44, noes 7.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Campbell, of the 51st Cavender, Christy, Church, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper Fairchild, Finn, Foster, Glick of the 31st, Griswold, Harvey, Houts Hodgson, Karr, Kennedy of the 36th, Kennedy the 26th, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, Moody, O'Brien, Rawlings, Riddle, Russell, Sammons, Salisbury, Shepherd, Snyder, Sutherland, Throckmorton and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Callen, Glick of the 6th, Payne, Rice, Rogers, Scudder, Storch and Swift.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

The House adjourned.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called

Quorum present.

On motion, Messrs. H. L. Pennock, Wilson, A. R. Banks, Barthelow and Maj. Sleeper were invited to seats within the bar.

Senate Bill No. 47, "An act providing for the permanent location of the county seat of Coffey county."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 62, noes 4.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Browne, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Foster of the 30th, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Jordon, Karr, Kennedy, of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Martindale, Mead, Morrow, Moody, O'Brien, Page, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Spencer, Sutherland, Storch, Stafford, Stratton, Swift, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Broadhead, Perry, Shepherd, and Stewart.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 136, "An act to repeal section 9 of an act entitled an act to establish Grand Juries, and to provide for the trial of offenses upon information."

Read third time.

The question being "shall the Bill pass?"

The vote resulted as follows: Ayes, 30, noes 35.

Those gentlemen voting aye, were—

Messrs. Abraham, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Church, Cleavinger, Craig, Deitrick, Fairchild, Foster, Glick of the 6th, Goss, Griswold, Harvey, Hodgson, Karr, Leland, Leonard, Loomis, Moody, Payne, Perry, Rice, Spencer, Stratton, Stewart, Throckmorton, and West.

Those gentlemen voting no, were—

Messrs. Atwood, Benton, Christy, Cook, Coffinberry, Dutton, Dillie, Draper, Fletcher, Glick of the 31st, Gwartney, Hanway, Houts, Jordon, Kennedy of the 36th, Kennedy of the 26th, Kohler, Macdonald, Martindale, Mead, O'Brien, Page, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Sutherland, Storch, Stafford, Swift, Wells, and Mr. Speaker.

A constitutional majority not having voted aye, so the Bill was lost.

Mr. Russell moved a reconsideration of the vote, by which House Bill No. 136 was ordered to a third reading.

Mr. Houts moved that the motion be laid on the table.

Carried.

On motion, the House resolved itself into Committee of the Whole, for the consideration of the calendar.

Mr. Russell in the chair.

After some time spent therein, the Committee arose, and through its Chairman reported back House Bill No. 104, "An act to change the Southern boundary of Wyandotte," and recommended that it be stricken from the calendar.

Also substitute for House Bill No. 63, "An act to provide for the removal of county seats, and the permanent location of the same," and recommended that it be printed.

Reported progress on Senate Bills Nos. 46, and 48, and House Bill, No. 41, 163, 89, 141, 108 and 86, and recommended that they be made the special order for to morrow at 10 o'clock A. M.

The report of the Committee was agreed to.

By consent, Mr. Foster introduced House Bill No. 189, "An act to amend an act, fixing the fees of the Clerk of the Supreme Court, District Attorney, Justice of the Peace, Constables, Witnesses, Jurors, Referees, Appraisers and Notaries Public," approved March 6th, 1862.

Read first time.

Mr. Glick of the 31st offered the following Resolution, which was adopted :

Resolved, That the use of this Hall is hereby tendered to Hon

E. M. Barthelow, on Monday evening Feb. 6th, 1865, for the purpose of addressing the members of the Legislature, and the people generally, on the subject of the railroad interests of the State of Kansas.

Mr. Snyder offered the following resolution :

Resolved, That so much of House Rule, No. 62, as relates to regulations within the bar, be strictly enforced during the session hours.

Laid over under the rules.

By consent, Mr. Griswold introduced House Bill No. 190, "An act to locate a State road."

Read first time.

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 4, 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair

Roll called.

Quorum present.

Absentee—Messrs. Atwood, Benton, Campbell of the 51st, Craig, Darby, Dillie, Foster, Glick of the 6th, Griswold, Gwartney, Harvey, Hendricks, Houts, Hughes, Jordon, Rarr, Kennedy of the 26th, Kohler, Leonard, McLellan, O'Brien, Page, Perry, Rawlings, Riddle, Rice, Salisbury, Smith, Storeh, Stafford and Throckmorton.

Prayer by Rev. Mr. Bowker.

Journal of yesterday, read and approved.

Mr. Shepherd from Committee on Corporations, made the following report :

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 173, entitled "An act supplemental to an act to incorporate cities of the State of Kansas," approved March 4th, 1862, instruct me to report the same back and recommend that it be printed.

H. D. SHEPHERD,
Chairman.

Mr. Glick, from Committee on Judiciary, made the following reports :

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 114, entitled an act to vacate a portion of a certain street and a petition on the same subject, have directed me to report the same back and recommend the rejection for the reason that existing laws found on page 593 Compiled laws, provide for the subject matter of this Bill.

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 162, have had the same under consideration, and have directed me to report the same back and recommend that it pass

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 176, entitled "An act to amend an act entitled an act to establish a code of civil procedure," have had the same under consideration, and have directed me to report the same back and recommend its passage.

G. W. GLICK,
Chairman.

Mr. Macdonald, from Committee on Public Institutions, made the following report :

MR. SPEAKER: Your Committee on Public Institutions to whom was referred House Bill No. 123, "An act for the regulation and government of the State Insane Asylum," have had the same under consideration and recommend that it be printed.

S. D. MACDONALD,

Chairman.

Mr. Strong, from Committee on Ways and Means, made the following report :

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 166, have had the same under consideration and instruct me to report the same back and recommend its reference to the Committee of the Whole.

N. Z. STRONG,

Chairman.

Mr. Throckmorton introduced House Bill No. 191, "An act in relation to the assessment and collection of taxes.

Read first time.

On motion the rules were suspended and House Bill No. 191 was read second time, and

Referred to Committee on Ways and Means.

Mr. Glick of the 31st, presented House Bill No. 192 "An act concerning boarding of prisoners."

Read first time.

Mr. Rawlings presented the petition of Mr. Wilkinson and others on mining.

Referred to Committee on Corporations.

On motion, the House resolved itself into into Committee of the Whole for the consideration of the calendar.

After some time spent therein the Committee arose and through its chairman, reported back to the House, Bill No. 41, "An act

to provide for the permanent location of the county seat of Coffey county," and recommend that it be stricken from the calendar.

Also House Bill No. 81, "An act to amend an act entitled an act to establish the western boundary of Davis county," and recommend the enacting clause be stricken out.

House Bill No. 86, "An act to amend an act entitled an act to establish the eastern boundary of Dickinson county," and recommend the enacting clause be stricken out.

House Bill No. 141, "An act to define the western boundary of Greenwood county," and recommend its passage as amended.

Senate Bill No. 28, "An act relating to the boundaries of Douglas county," passed upon the calendar, and made special order of 2 P. M.

House Bill No. 63, "An act entitled an act for the removal of county seats and the permanent location of the same, and recommend the passage as amended.

Report of the Committee was agreed to.

On motion, Capt. Thomas was invited to a seat within the bar.

On motion, the House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Broadhead moved that the Resolution in reference to Col. Moonlight be made the special order for 2 P. M. on Monday.

Mr. Russell moved to amend to 11 A. M.

Carried.

On motion of Mr. Broadhead the House resolved itself into Committee of the Whole for the consideration of the calendar.

Mr. Russell in the chair.

After some time spent therein the Committee arose and through its chairman reported back to the House Senate Bill No. 28, "An act relating to the boundaries of Douglas county," and recommended it be referred to Committee on Judiciary.

Mr. Rice from Committee on Enrolled Bills made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 50, "an act to authorize Franklin county to issue bonds to build a jail," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,
Chairman.

Mr. Strong moved to agree to report of Committee of the Whole.

Mr. Broadhead moved to amend by moving to disagree, upon which the ayes and noes were demanded and taken with the following result: Ayes 33, noes 34.

Those gentlemen voting aye, were—

Messrs. Atwood, Broadhead, Callen, Cavender, Cook, Cleavinger, Craig, Dillie, Draper, Fairchild, Finn, Glick of the 31st, Gwartney, Hanway, Harvey, Houts, Hughes, Karr, Kennedy of the 36th, Leonard, Lowe, Morrow, Page, Payne, Rice, Sammons, Scudder, Shepherd, Stewart, Swift, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Benton, Browne, Christy, Church, Darby, Deitrick, Dutton, Foster, Fletcher, Glick of the 6th, Goss, Griswold, Hodgson, Jordon, Kennedy of the 26th, Loomis, Macdonald, Martindale, Mead, Moody, O'Brien, Perry, Riddle, Rogers, Russell, Salisbury, Spencer, Snyder, Sutherland, Stafford, Stratton, Strong and Wells.

So the motion was lost.

The question recurring upon the motion to agree.

The ayes and noes being demanded and taken with the following result: Ayes 37, noes 31.

Those gentlemen voting aye were—

Messrs. Abraham, Benton, Broadhead, Browne, Christy, Church, Darby, Deitrick, Dutton, Dillie, Foster, Fletcher, Glick of the 6th, Goss, Griswold, Jordon, Kennedy of the 26th, Loomis, Macdonald, Martindale, Mead, Moody, O'Brien, Perry, Riddle, Rogers, Russell, Salisbury, Spencer, Snyder, Sutherland, Stafford, Stratton, Strong, Stewart, Wells and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Atwood, Callen, Cavender, Cook, Clayinger, Craig, Draper, Fairchild, Finn, Glick of the 31st, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Leland, Leonard, Lowe, Morrow, Page, Payne, Rice, Sammons, Scudder, Shepherd, Swift, Throckmorton and West.

And so the report was agreed to.

On motion, House adjourned.

MORNING SESSION.

TOPEKA, FEB. 6, 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair

Roll called.

Quorum present.

Absentees—Messrs. Benton, Browne, Finn, Fletcher, Griswold, Morrow, Page and Rogers.

Journal of yesterday read and approved.

Mr. Callen presented petition of W. H. McKay and 39 others, praying for the repeal of the law licensing the retailing of spirituous liquors.

Referred to Committee on Retrenchment and Reform.

Mr. Campbell of the 51st, presented petition of Wm. Byington and 52 others, praying for aid in the establishment of a Blind Asylum, at Mapleton, Bourbon county, Kansas.

Referred to Committee on Public Institutions.

Mr. Darby presented petition of J. G. Tuthill and 19 others, praying for a change in the southern boundary line of the county of Republic.

Referred to Committee on County Seats and County Lines.

Mr. Shepherd from Committee on Corporations, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 160, entitled "An act to repeal an act supplemental to an act to provide for the incorporation of Fire, Marine and Life Insurance Companies," approved March 2d, 1863, beg leave to report the same back and recommend that it be printed.

H. D. SHEPHERD,
Chairman.

Mr. Sutherland, from Committee on Roads and Highways, made the following reports :

MR. SPEAKER :—Your Committee to whom was referred various Bill and Petitions for the location of certain State roads, have had the same under consideration and request me to report back that they will be incorporated into one general Bill.

D. H. SUTHERLAND,
Chairman.

MR. SPEAKER :—Your Committee on Roads and Highways, to whom was referred House Bill No. 148, have considered the same and recommend its passage.

D. H. SUTHERLAND,
Chairman.

MR. SPEAKER :—Your Committee to whom was referred House Bill, No. 78, have to report that after an examination of the same, they find it too indefinite to recommend its passage.

D. H. SUTHERLAND,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 44, "An act to declare the county road from Wyandotte to Leavenworth, via Missouri river bottom, a State road," have the honor to report the same back and recommend its passage.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 163, have had the same under consideration, and instruct me to report back that they consider the same too *big* altogether.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 67, have considered the same, and instruct me to report back that they do not recommend its passage.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bills Nos. 172 and 175, "Acts to locate certain State roads," have the honor to report the same back and recommend their passage.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 4, "An act declaring a certain road a State road," have the honor to report the same back and recommend it be printed.

D. H. SUTHERLAND,

Chairman.

Message from the Senate: *Message from the Senate, January 11, 1880.*

MR. SPEAKER:—I am directed to inform the House that the Senate have passed Senate Bill No. 63, "An act to authorize counties and cities to issue bonds to railroad companies," and request your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Leonard, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee on Engrossed Bills have examined House Bill No. 141, and House Bill substitute No. 63, and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro tem.

Mr. Fairchild, from Special Committee, made the following report:

MR. SPEAKER:—Your Special Committee, to whom was referred House Bill No. 156, "An act to amend an act entitled an act to incorporate the city of Atchison, Kansas Territory," approved February 12th, 1858, beg leave to report that they have had the same under careful consideration, and report the same back with the following substitute, and recommend its passage.

G. H. FAIRCHILD,

Chairman.

On motion, the rules were suspended, and House Bill No. 156, considered engrossed and ordered to a third reading.

Mr. Christy, from Special Committee, made the following report:

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 171, entitled an act to restrain dram shop keepers and others," have had the same under careful consideration, and unanimously instruct me to report the same back and recommend its passage.

J. A. CHRISTY,

Chairman.

The following communication was received from the Attorney General:

ATTORNEY-GENERAL'S OPINION ON THE CONSTITUTIONALITY OF CERTAIN PROVISIONS IN THE TAX LAW.

OFFICE OF ATTORNEY-GENERAL,
TOPEKA, KANSAS, February 3d, 1865.

To the House of Representatives:

My opinion has been requested upon the constitutionality of a provision in the tax law, allowing debts owing by persons to be de-

ducted from, the amount of their tax on personal property, money, credits, investments in bonds, stocks and joint stock companies.

Section one Article eleven of the Constitution, provides that the Legislature shall provide for a "uniform and equal rate of assessment and taxation." This provision, allowing debts to be deducted from the amount of tax on certain kinds of property, must necessarily work an injustice to a large portion of the tax payers of this State. It permits persons engaged in mercantile, mechanical, or other branches of business, and owning large amounts of personal property, who are indebted, to escape the burdens of taxation, and to permit the immense amount of personal property to be favored by exemption, because of the indebtedness of the owner.

Section two of the same article, provides that "the Legislature shall provide for taxing the notes and bills discounted, or purchased, moneys loaned, and other property, effects, or dues of every description, (without deduction) of all banks now existing, or hereafter to be created, and of all bankers; so that all property employed in banking shall always bear a burden of taxation equal to that imposed upon the property of individuals."

Now, if equality of taxation is meant to be secured by the Constitution, it follows that one of two constructions must be given to this section, for there are but two constructions that will attain that object. First: If it be held that individuals may deduct their debts, as provided in the tax law, then it must also be held that banks and bankers may do likewise; otherwise there is no equality. The same section of the Constitution declares that the objects of taxation belonging to banks and bankers, shall be taxed, "so that all property employed in banking shall always bear a burden of taxation equal to that imposed on the property of individuals." The burden is to be not less, nor greater, but equal. Now it cannot be equal if individuals can deduct their liabilities from their moneys and credit, and bankers cannot. If it be conceded, that banks and bankers cannot deduct, the only way that their burdens of taxation can be made equal to that of individuals, is to say that deductions are forbidden. And unless this is said, the property of the State is not taxed by a "uniform rate." What is meant by the words "uniform and equal rate of assessment and taxation?" No language

in the Constitution, perhaps, is more important than this; and to accomplish the beneficial purposes intended, it is essential that they should be truly interpreted, and correctly applied. "*Taxing*" is required to be "*by a uniform rate,*" that is by the same unvarying standard. Taxing by a uniform rate requires uniformity, not only in the rate of taxation, but also uniformity in the *mode* of the assessment upon the taxable valuation. Uniformity in taxing implies equality in the burden of taxation; and this equality of burden cannot exist without uniformity in the mode of the assessment as well as in the rate of taxation. But this is not all. The uniformity must be coextensive with the territory to which it applies. If a State tax, it must be uniform all over the State; if a county, town, or city tax, it must be uniform throughout the extent of the territory to which it is applicable. But the uniformity in the rule required by the Constitution, does not stop here. It must be extended to *all property* subject to taxation, so that all property may be taxed alike, equally—which is taxing by a uniform rule. If parties are allowed to deduct their liabilities from the tax on their personal property, it destroys that uniformity required by the Constitution and violates the letter and spirit of that instrument.

Where A, sells a farm to B, assessed for taxation at ten thousand dollars, on a credit of five years, executing notes and mortgage to secure the purchase money, B will have to pay the taxes on the land, without deducting his liabilities, while A will have to pay his taxes on the notes and mortgage if he has no debts, while C, who is engaged in the mercantile business, buys ten thousand dollars worth of goods on credit, is entitled to have his debts deducted from the amount of tax on personal property. It could not have been the intention of the framers of the Constitution, to allow one class of individuals to deduct their debts from their tax on personal property, and to exclude another.

For the reasons above given I am of the opinion that the provision in the tax law, allowing individuals to deduct their liabilities from their tax on personal property is unconstitutional.

Respectfully Yours,

J. D. BRUMBAUGH,

Attorney General.

On motion of Mr. Glick of the 6th, the communication was ordered printed in the *State Record*.

Messages from the Senate :

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed Senate Bill No. 40, "An act to provide for the erection of the State Capitol buildings, and making appropriation for the same," and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House, that the Senate have passed Senate Bill No. 61, "An act declaring certain bonds and certificates Territorial warrants," and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives that the Senate have passed Senate Bill No. 31, "An act for the enrollment and organization of the militia," and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed to inform the House that the Senate have passed Senate Bill No. 25, "An act defining the boundary lines of Washington county," and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Leland offered the following House Concurrent Resolution, No. 20 :

Resolved, By the House of Representatives of the State of Kansas, the Senate concurring therein, that Kansas now, as in the past, stands true to the Government of our country, and to those principles

ples of freedom which that Government was bound to protect, and that she will furnish her last able bodied citizen, if need be, to protect the integrity of the Union, and for the Nation's honor and freedom.

Resolved, That the thanks of the Legislature and of the State are due to our soldiers now in the field, for the gallant manner in which they have on every occasion, on the battle field, and in every position to which duty has called them, acquitted themselves to the honor and reputation of the State.

Resolved, That the Secretary of State be requested to forward a copy of these resolutions to each of our Representatives in Congress, and the Adjutant General be directed to forward a copy to our Generals, and to each regimental commander, with the request that they be read at the head of their regiments.

Laid over under the rules.

Mr. Callen offered House Concurrent Resolution No. 20, "Asking for the construction of a line of telegraph from Fort Leavenworth via Forts Riley, Zarah and Larned to Fort Lyon."

Laid over under the rules.

Mr. Rice offered the following resolution :

Resolved, That hereafter the members of this House shall be limited to one speech of ten minutes on every question, both in the House and Committee of the Whole.

Laid over under the rules.

Senate concurrent Resolution No. 24, "Relating to the promotion of Col. Thomas Moonlight," was taken up.

Mr. Harvey moved that the Resolution be adopted.

Carried.

Mr. Russell presented accounts of Sol. Miller against the State

of Kansas for printing.

Referred to Committee on Ways and Means.

Mr. Cook presented account of A. Katzenstein against the State of Kansas.

Referred to Committee on Ways and Means.

On motion, Mr. Chestnut was invited to a seat within the bar.

Mr. Glick of the 6th, moved that the vote by which the report of the Committee of the Whole on House Bill No. 81 was agreed to be reconsidered, and that the Bill be again placed on the calendar.

Carried.

Mr. Glick of the 6th, moved that the rules be suspended, and Bills relating to county lines made the special order for this evening.

Mr. Russell offered the following resolution as an amendment:

Resolved, That House Bills Nos. 81, 95, 131, 169, 84, S. B. 46, H. B. 158 and 102, be made the special order for Wednesday evening at 7 P. M., and that the rules of the House be suspended therefor.

Mr. Broadhead moved to amend the amendment by inserting Senate Bill No. 28.

Lost.

Mr. Russell's resolution was adopted.

Message from the Senate:

MR. SPEAKER:—The Senate have passed Senate Concurrent Resolution No. 40, "Relating to the introduction of Bills in the two Houses," and asks your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Message from the Governor :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 6th, 1865. }

To the House of Representatives :

I have approved House Bill No. 50, "An act to authorize Franklin county to issue bonds to build a jail."

S. J. CRAWFORD.

Mr. Spencer introduced House Bill No. 193, "An act to appropriate certain moneys in Morris county to the use of schools,"

Read first time.

On motion, the rules were suspended, and House Bill No. 193, read second time, and

Referred to Committee of the Whole.

Mr. Calen introduced House Bill, No. 194, "An act concerning District Courts."

Read first time.

On motion the rules were suspended and House Bill No. 194 read second time and

Referred to Committee on Judiciary.

Senate Bill No. 31, "An act for the enrollment, organization, discipline and pay of the militia," was

Read first time

Senate Bill No. 25, "An act defining the boundary lines of Washington county," was

Read first time.

Senate Bill No. 40, "An act to provide for the erection of State Capitol buildings, and making appropriation of the same,"

Read first time.

Senate Bill No. 61, "An act declaring certain bonds and certificates Territorial warrants,"

Read first time.

Senate Bill No. 63, "An act to authorize counties and cities to issue bonds to railroad companies,"

Read first time.

On motion, the rules were suspended for second reading of Bills.

Senate Bill No. 30, was read second time, and

Referred to Committee on Militia.

Senate Bill No. 25, was read second time, and

Referred to Committee on County Lines and County Seats.

Senate Bill No. 61, was read second time, and

Referred to Committee on Judiciary.

Senate Bill No. 63, was read second time, and

Referred to Committee of the Whole.

House Bill No. 187, was read second time, and

Referred to Committee on Internal Improvements.

House Bills Nos. 178, and 183, were read second time, and

Referred to Committee on Judiciary.

House Bill No. 179, was read second time, and

Referred to Committee on Printing.

House Bills Nos. 180, 181, 182, 184, 185, 186, 188, and 189 were

read second time, and

Referred to Committee on Roads and Highways.

House Bill No. 190, was read second time, and

Referred to Committee on Fees and Salaries.

House Bill No. 192, was read second time, and

Referred to Committee on Ways and Means.

House Joint Resolution No. 5, was read second time, and

Referred to Committee on Ways and Means.

On motion, House Joint Resolutions Nos. 4 and 5, were

Referred to Committee of the Whole.

House Bill No. 63, "An act for the removal of county seats, and the permanent location of the same,"

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 68, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Finn, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hazway, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, MacDonald, Martindale, Mead, Morrow, McLellan, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 141, "An act to create a District Court in and for the town of Jefferson, in Jefferson county."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows : Ayes 62, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Deitrick, Dutton, Dillie, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy, of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Martindale, Mead, Morrow, McLellan, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stratton, Stewart, Swift, Throckmorton, West and Mr. Speaker.

Mr. Leonard voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion of Mr. Russell the rules were suspended for consideration of the following resolution:

Resolved, That the Committee on Printing, investigate the reason why the reports of State officers are not laid before us.

Adopted.

House Bill No. 156, "An act to amend an act to incorporate the city of Atehison."

Read third time.

The question being, shall the Bill pass?

The vote resulted as follows: Ayes 55, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Fairchild, Glick of the 6th, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Leonard, Lowe, Loomis, Macdonald, Martindale, Mead, Morrow, McLellan, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

The House adjourned.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called

Quorum present.

By consent, Mr. Benton from Committee on State Penitentiary, made the following report:

To the House of Representatives :

The Special Joint Committee appointed by your Honorable body to examine the grounds and building of the State Penitentiary, together with the treatment of convicts, &c., would ask to submit the following

REPORT.

That they have visited the site of the State penitentiary and find the same to be located on the following described

LANDS.

On the forty acres of land, being a part of the south-west quarter of section nineteen, in township nine, range twenty-three, in the district of lands subject to sale at Fort Leavenworth in the State of Kansas. The above described land was purchased by the State, on the 19th day of November, 1861, of Almira M. Budlong, for the sum of six hundred dollars. On the 12th day of April, 1864, was purchased by the State of Adam Linhart, a fraction of land, laying on the north side, and joining the forty acres above described, and containing three and one-half acres, for which the State paid the sum of one dollar. On the 19th day of April, 1864, was purchased by the State, of Almira M. Budlong, a piece of land laying on the east end of the forty acres before described, and containing ten acres, for which the State paid the sum of one dollar. The deeds to all this land state the same to be for the location of a State Penitentiary.

SITUATION.

The above described lands are situated in the county of Leavenworth, and are about two miles west of the Missouri river, and about four miles south of the southern limits of the city of Leavenworth, and on the road from the city named, to Wyandotte.

CONTRACTS.

Your Committee find that on the 5th day of December, 1863, the State through her agents, contracted with one John McCarty, of Leavenworth city, for the building of the State Penitentiary, for and in consideration of which the said McCarty, was to be allowed a certain price for work and material furnished as specified in the contract, now on file in the office of the Secretary of State. For the performance of the said contract, the said contractors and his securities, Mr. Thomas Stevens and Mr. E. H. Gruber, of Leavenworth city, were bound in the sum of fifty thousand dollars. From

the terms of the contract it is apparent that Mr. McCarty has not fulfilled its requirements, in relation to the completion of one of the wings of the building, which by the terms of contract should be done in December, 1864. Your Committee is of the opinion that the failure of the contractor to perform his obligation as required, was brought about by the delay on the part of the Commissioners in locating the site, by failure of the State at one time to furnish money necessary to carry on the work, and by the interposition of military authority which for a time entirely stopped the work, and required the workmen to do military duty in defence of the city of Leavenworth, which in the opinion of your Committee were causes over which the contractor had no control. In support of this you are referred to the affidavit of Mr. E. T. Carr, Architect and Superintendent which is herewith transmitted.

BUILDINGS.

Your Committee find that a plan of the State Penitentiary has been prepared by Mr. E. T. Carr, the architect, now in charge of the construction of the building, a copy of which plan may be found in the office of the Secretary of State. Your Committee is of the opinion that the plan referred to, and under which the building is being erected, will fully meet the present and prospective wants of the State. On the recommendation of the architect, the directors concluded to proceed with the erection of only one wing of the building. The construction of the wing was accordingly commenced in the month of April last, the work was pushed without delay until the 6th of August, at which time it was temporarily suspended, owing to the want of money—the Governor, who was the agent of the State for the sale of the bonds, having been unable to negotiate them. This was removed however by the 20th of the same month, and the work again progressed until the 10th of October, at which time the work was ordered stopped by the military authorities and the workmen ordered to report for military duty at Leavenworth city. The cold weather setting in soon after, stopped the work of building for the winter; men have however been engaged in getting out and preparing stone to be laid when the weather permits. The north wing of the building which is the only part yet commenced, is erected, to about the height of twelve feet. A quantity of oell flooring and flagging is also prepared and ready to lay in the work.

A portion of the cell foundation is also erected. Your Committee is of the opinion that the work so far as progressed, is of the best possible quality, and in accordance as far as construction is concerned with the terms of the contract. The walls of the building are very heavy and composed principally of large rock, which in most cases pass through the entire wall, thereby rendering their removal a matter of great difficulty. The main body of the wing so far erected is of a good article of sand stone rock, and appears of a very durable character. The cell flooring and flagging, are of blue limestone, which also appears of a very fine quality.

MATERIAL AND EXPENDITURES.

Your Committee would present the following as a correct statement of the amount and kind of material in the said building, and on the grounds and belonging thereto, as also the price as per contract for the same, for which the contractor has received his estimates from the architect, and drawn the money thereon. This statement is made from the consolidated estimates of the architect, and is affirmed to by him:

3970 yds. excavation, \$00 37 per yd.,	\$ 1,463 90
544½ Perch foundation wall, \$4 95,	2,696 51
441 " all foundation, 5 50,	2,425 50
397½ " base course, 6 90,	2,742 75
85½ " partition wall, 5 00,	426 25
155 " wall in towers, 10 80,	1,874 00
525 " superstructure, 6 90,	3,588 00
646 " feet "lincal" chamber on base course,	
\$ 50 per ft.,	323 00
556 " cut stone caps and sills, 1 80 " "	556 00
40 " door lintels, 1 15 " "	46 00
43 " window jams, 65 " "	27 95
210 " door " 95 " "	199 50
11,988 lbs. wrought iron window guards, 18 cts.,	2,157 84
1,128 " large truss bolts, 17 cts.,	208 76
80 " small " 22 cts.,	17 60
1,882 ft. flagging, \$1.00 per ft.,	1,882 00
268 " all flooring, 1 25 " "	320 00
	<hr/>
	\$ 20,760 56
Amount to be deducted for convict labor,	764 97
	<hr/>
	\$ 20,025 59
Less 15 per cent. retained,	3,000 83
	<hr/>
Amount paid,	\$ 17,021 76
Architects and Supt's compensation 5 per cent.,	1,005 37
	<hr/>
Total paid,	\$ 18,027 13

CONVICTS.

Your Committee visited on three several occasions, the State convicts, who, with the exceptions of one, are confined in the jail of Leavenworth county. For detailed information in relation thereto, you are referred to the document marked prison report, prepared by your Committee and herewith transmitted. The last annual report of the physician, employed to treat the convicts, together with his affidavit, is also submitted. His report it will be observed is not so complete as might be desired. He omits to mention the fact that one of the female prisoners, sentenced in September of 1861, was in July of 1864, delivered of a child. She exonerates those in connection with the management of the prison from the charge of paterternity. She informs your Committee that it was represented to her that if she would become pregnant, the authorities would be compelled to release her, which she offers in palliation of the offence. Your Committee have petitioned His Excellency the Governor of this State, for the pardon of the woman, believing that under the circumstances, humanity demands such course. It will be observed in the physician's report that he speaks of the want of ventilation and room in the jail in which the convicts are confined. This is very apparent to your Committee. They would recommend that the directors be instructed to provide more suitable quarters for the convicts. As will be seen by the affidavit of the prison physician, the convicts are properly supplied with food. Your Committee are of the opinion that it should be made the duty of the physician aforesaid to inspect the food furnished the convicts at least once in every week, and make a report in writing thereon to the directors at least once in every month. Your Committee are of the opinion that the convicts have not in all cases been properly supplied with clothing. The prison report will show the amount in the possession of each at this time. As will be seen by the same report one of the convicts is at present confined in the Douglas county jail. Such of the convicts as are able have been hired by the directors to certain parties to work at an average per diem of sixty cents.

OBSERVATIONS.

Your Committee have carefully examined the present site and have considered all the advantages it appears to present. They are

of the opinion that proper judgment was not exercised in the selection thereof.

The site appears to present no natural advantages except that rock in sufficient quantities may be obtained, for erecting the building and walls. There is a reasonably good limestone quarry on the site, from which all of that material so far used on the building has been taken. The sandstone so far used has been obtained from a quarry situated on the land of some private individual. There is a small stream running through the northwest corner of the site, which most part of the year furnishes running water, but is sometimes, as at present, nearly or quite dry. This stream passes within about 300 feet of the building, which occupies an elevation as shown by affidavit of architect of about eighty-five feet above the stream, the same affidavit will further show that the architect gave his opinion as averse to the site before the building was commenced. He is further of the opinion that water sufficient for running machinery might be obtained from the stream aforesaid, but at considerable expense. He thinks that for drinking water they would have to rely on cisterns.

RECOMMENDATIONS.

Your Committee would recommend that, in view of the want of suitable buildings in this State, in which to keep the State convicts, that if the present site be retained, the wing of the building now begun, be finished at the earliest possible day, and that cells to the number of sixty be erected, and so far finished as to contain the convicts,* and that a sufficient appropriation for that purpose be made, they would also recommend that the Rubble Rock, now being taken out of the Lime stone quarry, be hauled to the proper place for the erection of the walls around the enclosure.

While your Committee does not feel entirely justified under existing circumstances in recommending the re-location of the State Penitentiary on some site other than the present; they are still of the opinion that if a location possessing a sufficient supply of water and building stone, and having easy communication by railroad or otherwise, could be found and obtained on reasonable terms, it would be to the advantage of the State to so re-locate.

All of which is respectfully submitted.

MATTHEW QUIGG, Senate.
M. R. BENTON, House.
F. B. SWIFT.

*The testimony referred to in this report is in the Senate.

Mr. Foster moved that the report be printed in the *State Record*.

Carried.

On motion, the House resolved itself into Committee of the Whole for consideration of the calendar.

After some time spent therein, the Committee arose and through its chairman reported back House Bill No. 18, "An act authorizing Atchison, Doniphan and Jackson counties to issue bonds for the purpose of building two bridges," and recommended that the enacting clause be stricken out.

Also House Bill No. 23, "A Bill to equalize the basis of taxation," and recommended that the enacting clause be stricken out.

Also House Bill No. 146, "To authorize Graded School District No. 1, in Morris county, to issue bonds to build a school house," and recommended its passage.

Also House Bill No. 6, "An act to amend an act to amend and consolidate the several acts relating to the city of Lawrence," approved February, 1860, and the acts amendatory and supplementary thereto, with amendments, and recommended its passage as amended.

Also House Bill No. 143, "To prevent bringing stolen stock into the State, and to seize and condemn the same when brought in the State," and recommended that it be referred to a select committee of five.

Also House Bill No. 92, "An act to provide a salary for the County Treasurer, and to repeal all laws inconsistent therewith," and recommended that the enacting clause be stricken out.

Also House, Bill No. 149, "Authorizing Atchison county to issue bonds to build a jail," and recommended its passage.

Also House Bill No. 152, "Repealing section one of an act in reference to the assessment and collection of taxes," approved March 1, 1864."

The report of the Committee was agreed to.

By consent, Mr. Page, from Committee on County Lines and County Seats, made the following report :

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 25, "An act defining the boundary lines of Washington county," have had the same under consideration, and a majority of them instruct me to report the same back to the House and recommend its passage.

F. R. PAGE,

Chairman.

The Speaker announced as Committee on House Bill No. 143, Messrs. Martindale, Glick of the 31st, Broadhead, Christy and Finn.

Mr. Glick moved that the House reject the report of the Committee on House Bill No. 23.

Upon which the ayes and noes were demanded and taken with the following result : Ayes, 35, noes 25.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Cleavinger, Craig, Darby, Deitrick, Finn, Foster, Glick of the 6th, Glick of the 31st, Goss, Gwartney, Hanway, Hodgson, Leland, Loomis, Martindale, O'Brien, Payne, Riddle, Russell, Shepherd, Spencer, Snyder, Sutherland, Storch, Strong, Swift and West.

Those gentlemen voting no, were—

Messrs. Browne, Christy, Church, Coffinberry, Draper, Fairchild, Griswold, Harvey, Hendricks, Houts, Karr, Kennedy of the 36th, Kohler, Leonard, Macdonald, Mead, Morrow, McLellan, Page, Rawlings, Rice, Salisbury, Scudder, Stewart, and Wells.

So the report of the Committee was agreed to.

Mr. O'Brien moved that the House adjourn until 7 o'clock this evening.

Mr. Russell moved as an amendment, that the House adjourn until to-morrow at 9 A. M.

Carried.

MORNING SESSION.

TOPEKA, FEB. 7, 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair

Roll called.

Quorum present.

Absentees—Messrs. Benton, Browne, Craig, Foster, Glick of the 6th, Griswold, Harvey, Leland and Stratton.

Prayer by the Rev. Mr. Fox.

Journal of yesterday. read and approved.

Mr. Glick, from Committee on Judiciary, made the following reports :

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill No. 194, "An act concerning District Courts," report the same back with the following substitute and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 183, "An act to define the compensation of Probate Judges," report the same back and recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred, Senate Bill No. 61, "An act declaring certain bonds and certificates Territorial warrants," report the same back with the following amendment: That the figure "7" in the second line of the section, be changed to 67 and recommend its passage as amended, and that the same be not printed.

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred sundry portions on sundry subjects, beg leave to report the same back without recommendation.

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 178, "A Bill to protect the local merchants of Pottawattomie county," report the same back and recommend its rejection.

G. W. GLICK,
Chairman.

Mr. Atwood, Committee of Ways and Means, made the following report:

MR. SPEAKER:—Your Committee on Ways and Means, have had under consideration House Bill No. 192, and recommend its passage.

N. Z. STRONG,
Chairman.

Mr. Spencer, from Committee on Internal Improvements, made the following report:

MR. SPEAKER:—Your Committee on Internal Improvements, to whom was referred House Bill, No. 18, entitled "An act to prevent the unholy alliance of negroes and democrats," have to report that upon examination they find said Bill by its title to be a meritorious subject of Legislation, but that in its elements the rights of the House have been grossly violated by some one who has evidently substituted a vile compound of anti-democracy in place of the original Bill. Your Committee have been deprived of the subject matter in the Bill by a rascally expunging process, which is thus brought to

the notice of the House in the hope that summary punishment may be meted out to the guilty party that has trifled with the sacred principles enunciated by the time honored Democratic party.

While your committee feel the necessity of securing an unadulterated and pure party we think the present attempt unnecessary and premature.

J. S. SPENCER,

Chairman.

Mr. Houts, from Committee on Militia, made the following report :

MR. SPEAKER :—Your Committee on Militia, to whom was referred Senate Bill No. 31, entitled " An act for the enrollment, discipline and pay of the militia," beg leave to report the same back with the addition of certain amendments as follows: Amend section 3, by adding after Adjutant-General the words "and one Paymaster-General with the rank of Colonel." Strike out section 11. Amend section 12 by striking out commander of regiments and companies, and inserting Major-General or Brigadier-Generals Commanding Districts. Add following words to section 21, and all said officers on resignation, removal or dismissal shall make due return of all ordnance or other property or money coming into their hands, turning the same over to their successors in office, and taking therefor proper receipts, in duplicate, one of which shall be forwarded to the Adjutant-General of the State.

W. L. HOUTS,

Chairman.

Mr. Riddle, from Committee on Printing, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 179, " An act to amend an act, relating to the binding of the Laws and Journals of both Houses of the Legislature and Volume of Public Documents," have considered the same, and instruct me to report it back and recommend that it be so amended as to require the volume of Laws to be printed and furnished to the binder within sixty days from the date on which the copy is furnished the printer, and that the Journals of the two Houses be furnished within six months from the day on which the copy is furnished the printer.

R. RIDDLE,

Chairman.

On motion, Mr. Kellogg was invited to a seat within the bar.

Mr. Mead, from Committee on Public Lands, made the following report:

MR. SPEAKER:—Your Committee to whom was referred the Petition of J. A. J. Chapman, have had the same under consideration and beg leave to report that in the opinion of your Committee no action is required in the case, as sections 4, 5 and 6, chapter 102 of Compiled Laws of 1864, fully cover the case.

JAMES R. MEAD,

Chairman.

Mr. Harvey, from Special Committee, made the following report:

MR. SPEAKER:—Your Committee to whom was referred Senate Concurrent Resolution No. 19, have had the same under consideration, and the two Committees instruct me to make the following report:

That the Treasurer of the State shall be directed to take the proper measures and provide the necessary evidence to the proper Department at Washington City, to secure the same, and he is hereby empowered in the name of the State of Kansas, to receive and receipt for the same.

JAMES HANWAY,

Chairman.

On motion, the report of the Committee was agreed to.

Mr. Martindale, from Select Committee, made the following report:

MR. SPEAKER:—Your Select Committee to whom was referred House Bill No. 143, beg leave to report the same back amended, and recommend its passage.

WM. MARTINDALE,

Chairman.

Mr. Glick of the 6th, moved that House Bill No. 143, be placed upon the calendar, and considered in Committee of the Whole to-day.

Carried.

The following message from the Senate was taken up:

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed the following Senate Bills, and ask your concurrence therein:

Senate Bill No. 42, "An act to create and regulate macadamized and plank road companies."

Senate Bill No. 32, "An act to amend the law in regard to binding Laws and Journals and Public Documents."

Senate Bill No. 44, an act to legalize the action of the County Clerk, Boards of County Commissioners and Treasurers of Linn county."

Senate Bill No. 45, "An act for the payment of the Teachers and Professors of the State Normal School, the State Agricultural College and the State University."

Senate Bill No. 51, "An act legalizing the assessment of certain taxes in the city of Atchison."

Senate Bill No. 41, "An act amending an act entitled an act establishing a code of civil procedure."

Senate Bill No. 50, "An act to prevent swine running at large in certain townships and counties."

Also Senate Joint Resolution No. 5, "To amend section 4, article 15 of the Constitution of the State of Kansas," in all of which the Senate ask your concurrence.

The Senate have also passed House Bill No. 19, "An act concerning the duties of County Treasurers."

Also House Bill No. 37, "An act to change a certain State road."

A. SMITH DEVENNEY,

Secretary of the Senate.

Senate Bill No. 50, "An act to prevent swine running at large in certain townships and counties,"

Read first time.

Senate Bill No. 41, "An act amending an act entitled an act establishing a code of civil procedure,"

Read first time.

Senate Bill No. 51, "An act legalizing the assessment of certain taxes in the city of Atchison,"

Read first time.

Senate Bill No. 45, "An act for the payment of the Teachers and Professors of the State Normal School, the State Agricultural College and the State University,"

Read first time.

The following message from the Senate was taken up:

MR. SPEAKER:—I am directed to inform the House that the Senate have passed House Bill No. 43, "An act supplemental to an act in relation to roads," approved March 1st, 1864, with the following amendments, in section 1 after the word village, insert "of less than 15,000 inhabitants." Also whenever the word "super-visors" occurs strike it out and insert the word "overseer."

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Glick of the 6th, moved the House concur in Senate amendments to House Bill No. 43, upon which the ayes and noes being called,

The vote resulted as follows: Ayes 67, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Calken, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted in the affirmative so the motion was carried.

Mr. Fairchild moved the rules be suspended for the second reading of Senate Bills.

Mr. Smith offered the following House Concurrent resolution No. 22, "Relating to sending a delegate to Washington :

WHEREAS, It appears that other States in filling their quota, under the call of July last for 500,000 men, were credited as one for one year men, two for two year men, three for three year men, and Kansas having filled her quota under that call, with the exception of not exceeding ten with three year men, and under the same rule as crediting as above stated, ought now to be far beyond the draft under the last call for 300,000 men, and whereas it seems the Provost Marshal General in Washington, gave Kansas credit for every three year man as one only. Therefore be it

Resolved, By the House of Representatives, the Senate concurring therein, that His Excellency the Governor, be requested to appoint and send to Washington at the earliest day possible, a committee of one, for the purpose of conferring with our Senators and Representative in Congress, and request them to secure to the State of Kansas, the proper credits for men furnished, and that the Committee on Ways and Means make an appropriation therefor.

Mr. Broadhead moved the rules be suspended that House Bills

Nos. 34, 50, 51, and Senate Bills read first time, be read second time.

Lost.

Mr. Smith moved that the rules be suspended that Senate Concurrent Resolution may be considered.

Carried.

Mr. Glick of the 6th, moved that the Resolution be adopted.

Mr. Leland moved the Resolution be laid upon the table, upon which the ayes and noes being called for,

The vote resulted as follows: Ayes 30, noes 39.

Those gentlemen voting aye were—

Messrs. Abraham, Benton, Browne, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Fletcher, Goss, Hanway Harvey, Houts, Jordon, Kennedy of the 26th, Leland, Leonard, Macdonald, Martindale, McLellan, Payne, Shepherd, Snyder, Stewart, Wells and West.

Those gentlemen voting no. were—

Messrs. Atwood, Broadhead, Callen, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Glick of the 6th, Griswold, Gwartney, Hendricks, Hodgson, Karr, Kennedy of the 36th, Kohler, Loomis, Morrow, Moody, O'Brien, Page, Perry, Rawlings, Rice, Rogers, Sammons, Salisbury, Scudder, Smith, Spencer, Sutherland, Storeh, Stafford, Stratton, Swift, and Throckmorton.

And so the motion to lay the Resolution on the table was lost.

Mr. Fletcher moved to strike out all after requested to, and before the word our, and insert "telegraph, to our Senators and Representatives and request them."

Mr. Glick moved to strike out second resolution, and insert after the word "furnished" and secure if possible a postponement of the Draft."

Carried.

Mr. Glick of the 6th moved to reconsider the vote by which the report of the Committee of the whole was agreed to on House Bill No. 18.

Carried.

Mr. Glick of the 6th, moved the Bill be considered engrossed and ordered to a third reading.

Mr. Page offered the following resolution :

Resolved, That hereafter this hall shall not be granted to any person or persons without the unanimous consent of the House.

Mr. Glick moved the Resolution be adopted.

Carried.

Mr. Russell offered the following resolution :

Resolved, That hereafter all members shall be confined to two speeches each upon any single question in the Committee of the Whole, and that no speech shall occupy more than ten minutes.

Mr. Sammons moved the Resolution be laid upon the table, upon which the ayes and noes being called,

The vote resulted as follows : Ayes 20, noes 53.

Those gentlemen voting aye, were—

Messrs. Benton, Browne, Campbell of the 33d, Craig, Deitrick, Dillie, Foster, Fletcher, Glick of the 6th, Hodgson, Leland, Macdonald, Moody, O'Brien, Perry, Riddle, Sammons, Strafford, Stratton, and Throckmorton.

Those gentlemen voting no, were—

Messrs. Abraham, Atwood, Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Dutton, Draper, Fairchild, Finn, Glick of the 31st, Goss, Griswold, Gwartney,

Hanway, Harvey, Hendricks, Houts, Jordon, Karr, Kennedy, of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Martindale, Mead, Morrow, McLellan, Page, Payne, Rawlings, Rice, Rogers, Russell, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stewart, Swift, Wells, West and Mr. Speaker.

And so the motion to lay upon the table was lost.

Mr. Broadhead moved to suspend the rules for the consideration of the Resolution.

Carried.

Mr. Moody moved the Resolution be indefinitely postponed.

Lost.

Mr. Russell moved to amend by striking out "ten minutes" and insert "fifteen."

Lost.

The question recurring upon the adoption of the Resolution, upon which the ayes and noes being called, resulted as follows: Ayes 47, noes 25.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Darby, Deitrick, Fairchild, Finn, Goss, Gwartney, Hanway, Harvey, Houts, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Mead, Morrow, McLellan, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Salisbury, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stewart, Wells and West.

Those gentlemen voting no, were—

Messrs. Benton, Campbell of the 33d, Coffinberry, Craig, Dutton, Dillie, Draper, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Hendricks, Hodgson, Leonard, Macdonald, Martindale, Moody, Perry, Sammons, Scudder, Stafford, Stratton, Swift, and Throckmorton.

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And so the Resolution was lost.

The following House Concurrent Resolution, No. 19, was taken up:

Be it resolved by the House of Representatives, the Senate Concurring, that the Legislature of Kansas in consideration of the eminent services rendered the Union cause by Surgeon N. C. Clark, of the 8th Regiment Kansas Volunteers, do cordially and earnestly recommend him as suitable for the appointment of Commissioner to Honolulu or some other equally important trust in the gift of the President, and that his appointment will give general satisfaction to the people.

On motion, the Resolution was adopted.

Mr. Broadhead moved that when we adjourn we adjourn to meet at 1½ o'clock P. M. for consideration of Senate Bill No. 63.

Carried.

The following House Concurrent Resolution No. 20, was taken up:

WHEREAS, The western border of the State of Kansas, and the great thoroughfare and road from Fort Leavenworth by way of Fort Riley, to Forts Zarah, Larned and Lyon, is infested with hostile bands of savages and hordes of Indians, who are almost daily murdering and plundering emigrants, freighters and small parties and escorts of United States soldiers traveling to and from said Forts, and

WHEREAS, The great length of time it requires to convey intelligence of the whereabouts of said savages, enable them to commit their crimes with impunity and have ample time to escape before any of the forces of the United States, or State of Kansas can reach them. Therefore

Resolved, By the House of Representatives of the State of Kansas, the Senate concurring,

1st. That we deem the early construction by the United States Government of a line of telegraph from Fort Leavenworth, via Forts Riley, Zarah and Larned to Fort Lyon, to be of the utmost importance and imperitively demanded to save the great sacrifice of life and property along said route, and earnestly memorialize Congress to cause such line of telegraph to be constructed at as early a day as possible.

2d. That our Senators and Representative in Congress are earnestly requested to use their utmost efforts to secure the early construction of such line of telegraph.

3d. That the Governor is respectfully requested to forward a copy of these Resolutions to the President of the United States, the Secretary of War, the Secretary of the Interior, and to each of Senators and Representatives in Congress.

On motion the Resolution was adopted.

House Concurrent Resolution No. 21, was taken up.

The following resolution was taken up, and on motion was laid on the table:

Resolved, That hereafter the members of this House shall be limited to one speech of ten minutes on every question, both in the House and Committee of the Whole.

The following Senate Concurrent Resolution was taken up, and on motion was laid on the table.

WHEREAS, Both Houses of this Legislature have passed a Concurrent Resolution to adjourn *sine die* on the 15th of this month, therefore be it

Resolved, By the Senate, the House concurring therein, that no Bills will be considered in either House which shall originate after Friday the 10th inst.

Mr. Stratton introduced House Bill No. 195, "An act to amend an act authorizing the sale of school lands,"

Read first time.

Mr. Draper introduced House Bill No. 196, "An act to establish a State road."

Read first time.

Also House Bill No. 197 "An act to locate a certain alley in the town of Clinton,"

Read first time.

Mr. Callen introduced House Bill No. 198, "An act to establish a bridge over the Smoky Hill and Republican rivers, in Davis county,"

Read first time.

Also House Bill No. 199, "An act to prohibit the retailing of spirituous liquors, and to repeal all laws licensing the sale of the same,"

Read first time.

Mr. Snyder introduced House Bill No. 200, "An act in relation to coal,"

Read first time.

Mr. Macdonald introduced House Bill No. 201, "An act to provide for the collection of the delinquent city tax for the year 1862, of the city of Topeka, and to legalize the action of the City and County Clerk of Shawnee county, in certifying said tax for collection,"

Read first time.

Mr. Broadhead moved that the rules be suspended that Bills read first time may be read second time.

Carried.

Senate Bill No. 32 read second time, and

Referred to Committee on Printing.

Senate Bills Nos. 41, 44, were read second time, and

Referred to Committee on Judiciary.

Senate Bill No. 42, was read second time, and

Referred to Committee on Corporations.

Senate Bill No. 45, was read second time, and

Referred to Committee on Ways and Means.

Senate Bill No. 50, was read second time, and

Referred to Committee on Agriculture

Senate Bill No. 51, read second time, and

Referred to Special Committee, consisting of Messrs. Fairchild,
Leland and Benton.

Senate Joint Resolution No. 5, read second time, and

Referred to Committee on Judiciary.

Also House Bill No. 195, was read second time, and

Referred to Committee on Education.

Also House Bills Nos. 196, and 197, were read second time, and

Referred to Committee on Roads and Highways.

Also House Bill No. 198, was read second time, and

Referred to Special Committee, consisting of Messrs. Callen, Har-
vey, and Kohler.

Also House Bill No. 199, was read second time. and

Referred to Committee on Retrenchment and Reform.

Also House Bill No. 200, was read second time, and

Referred to Committee on Corporations.

Also House Bill No. 201, was read second time, and

Referred to Committee on Judiciary.

Mr. Leonard, from Committee on Engrossed Bills, made the following report :

MR. SPEAKER :—Your Committee on Engrossed Bills, have examined House Bill No. 6, House Bill No. 146, and House Bill No. 149, and find them correctly engrossed.

M. R. LEONARD,
Chairman pro.tem.

House Bill, No. 6, "An act entitled an act to amend an act to amend and consolidate the several acts, relating to the city of Lawrence, approved February 1860, and the acts amendatory and supplementary thereto,"

Read third time.

The question being, shall the Bill pass?

The vote being called, resulted as follows: Ayes 57, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell, of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Draper, Fairchild, Finn, Foster, Griswold, Gwartney, Hanway, Houts, Hodgson, Jordan, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, McLellan, O'Brien, Page, Payne, Perry, Rawlings, Rice, Rogers Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Stewart, Swift, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 146, "An act to authorize Graded School District No. 1, in Morris county, to issue bonds to build a school house."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 62,
noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Draper, Fairchild, Finn, Foster, Click of the 6th, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Jordan, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leonard, Loomis, Martindale, Mead, Morrow, McLellan, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford Stewart, Swift, West and Mr. Speaker.

Mr. Stratton voted in the negative.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 149, "An act to authorize Atchison county to issue bonds to build a jail,"

Read third time.

The question being "shall the Bill pass?"

The ayes and noes being called, resulted as follows: Ayes. 59, noes.
none.

Those gentlemen voting aye. were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Craig, Darby, Dutton, Draper, Fairchild, Finn, Foster, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Leonard, Loemis, Martindale, Mead, McLellan, O'Brien, Page, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Seudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Stewart, Swift, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 18, "An act authorizing Atchison and Jackson counties to issue bonds for the purpose of building two bridges,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 57, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Darby, Deitrick, Dutton, Dillie Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Goss, Gwartney, Hanway, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Leonard, Macdonald, Martindale, Mead, O'Brien, Payne, Perry, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion, the House adjourned.

AFTERNOON SESSION.

1½ O'CLOCK, P. M

House called to order.

Speaker in the chair.

A call of the House was ordered.

On motion, further proceedings under the call were dispensed with.

On motion, House resolved itself into the Committee of the Whole for consideration of the calendar.

Mr. Glick of the 31st, in the chair.

After some time spent therein the Committee arose and through its chairman reported back to the House Senate Bill No. 63, "An act to authorize counties and cities to issue bonds to railroad companies," and recommended its passage with amendment.

Also House Bill No. 151, "An act locating a State road from Lawrence to Hiawatha," and recommended its passage.

Also Senate Bill No. 61, "An act declaring certain bonds and certificates Territorial warrants," and recommended its passage as amended.

House Bill No. 111, "An act creating a court of common pleas, and prescribing the powers thereof," and recommended the enacting clause be stricken out.

Also House Bill No. 44, "An act declaring the county road from Wyandotte to Leavenworth via the Missouri river bottom, to be a

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State road," and recommended its passage.

Also House Bill No. 143, "An act to prevent the driving of stolen stock into the State, and to seize and condemn the same when brought into the State," and recommended its passage.

Report of the Committee was agreed to.

Mr. Fairchild moved the rules be suspended for consideration of Senate Concurrent Resolution No 42, "Ratifying the amendment to the National Constitution."

Carried.

Mr. Broadhead moved the adoption of the Resolution

The ayes and noes being called, resulted as follows: Ayes 66, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Church, Cook, Coffinberry, Cleavinger, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Glick of the 6th, Glick of the 31th, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Hents, Hodgson, Hughes, Jordon, Karr, Kennedy, of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Mead, Morrow, McLellan, Moody, O'Brien, Page, Payne, Perry, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Shepherd, Smith, Spencer, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Throckmorton, West and Mr. Speaker.

And so the resolution was adopted.

By consent Mr. Glick of the 6th offered the following Resolution, which was adopted:

WHEREAS, Capt. H. R. Neal has served faithfully and gallantly for three years in the 13th Kansas regiment, and has commanded the confidence and esteem of the best military men in the Federal service, therefore be it

Resolved, That the Governor of the State of Kansas be respectfully requested to appoint Capt. H. R. Neal to fill any vacancy that may exist in any field office in the 13th regiment.

Resolved, The Clerk of this House be directed to transmit to the Governor a copy of the foregoing preamble and resolution.

Mr. Rice from Committee on Enrolled Bills made the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 19, "An act concerning the duties of County Treasurers;" also House Bill No. 37, "An act to change a certain State road," and find the same correctly engrossed, and have this day presented the same to the Governor for his signature.

H. RICE,
Chairman.

Leave of absence was granted to Messrs. Mead and Perry for one week.

Mr. Callen, from Special Committee, made the following report :

MR. SPEAKER:—Your Special Committee to whom was referred House Bill No. 198, entitled "An act to establish bridges over the Smoky Hill and Republican rivers, in Davis county," have had the same under consideration, and instruct me to report the same back with the unanimous recommendation of the passage thereof.

A. A. CALLEN,
Chairman.

Mr. Callen moved the rules be suspended and House Bill No. 198. be considered engrossed, and put upon its third reading.

Carried:

House Bill No. 198, was read third time.

The question being, shall the Bill pass?

The vote resulted as follows : Ayes 22 noes 34.

Those gentlemen voting aye, were—

Messrs. Browne, Campbell of the 51st, Cavender, Church, Cleavinger, Goss, Houts, Hodgson, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Morrow, Russell, Spencer, Storeh, Stratton, Swift and Throckmorton.

Those gentlemen voting no, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Callen, Campbell of the 33d, Coffinberry, Deitrick, Draper, Fairchild, Glick of the 6th, Glick of the 31st, Gwartney, Hanway, Harvey, Karr, Leonard, Martindale, Mead, McLellan, Moody, O'Brien, Page, Riddle, Rice, Rogers, Sammons, Salisbury, Smith, Snyder, Sutherland, Stafford, Stewart West and Mr. Speaker.

A constitutional majority not having voted in the affirmative, so the Bill was lost.

Mr. Callen, moved, a re-consideration of the vote by which House Bill No. 198, was ordered to a third reading.

Carried.

On motion, House adjourned.

MORNING SESSION.

TOPEKA, FEB. 8, 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Benton, Craig, Draper, Fairchild, Foster, Fletcher, Gwartney, Leland, Leonard, Martindale, Morrow, McLellan, Perry, Sammons, Stratton, Strong and Throckmorton.

Prayer by Rev. Mr. Hawley.

Journal of yesterday, read and approved.

Mr. Spencer moved a reconsideration of the vote by which the report of the Committee of the Whole, on House Bill No. 111, was agreed to.

Carried.

Mr. Broadhead moved that House Bill No. 111, be referred to Committee of the Whole, to-day.

Carried.

Mr. Glick of the 6th, from Committee on Judiciary, made the following report:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill No. 44, "An act to legalize the action of County Clerk, Board of County Commissioners and Treasurer of the county of Linn," report the same back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary to whom was referred House Bill No. 201, "An act to provide for the collection of the delinquent city tax for the year 1862, of the city of Topeka, and to legalize the action of the City Marshal, of said city, and the County Clerk of Shawnee county, in certifying said tax for collection," report the same back and recommend its passage.

G. W. GLICK,

Chairman.

Mr. Riddle, from Committee on Printing, made the following report:

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 32, "An act to amend the law in regard to binding Laws, Journals and Public Documents," instruct me to report the same back and recommend its passage.

R. RIDDLE,
Chairman.

Mr. Strong, from Committee on Ways and Means, made the following reports :

MR. SPEAKER:—Your Committee on Ways and Means, have had under consideration Senate Bill No. 45, and recommend its passage.

N. Z. STRONG,
Chairman.

MR. SPEAKER:—Your Committee on Ways and Means have had House Bill No. 135, under consideration, and recommend its passage after inserting the word "five," before the word mills, in the first section.

N. Z. STRONG,
Chairman.

MR. SPEAKER:—Your Committee on Ways and Means have had under consideration House Bill 124, and recommend that the appropriation be reduced to five thousand dollars, and the Bill passed.

N. Z. STRONG,
Chairman.

Mr. Leonard, from Committee on Engrossed Bills, made the following report :

MR. SPEAKER:—Your Committee on Engrossed Bills, have examined Senate Bill, No. 61, Senate Bill No. 63, and House Bill No. 143, and find the same correctly engrossed.

M. R. LEONARD,
Chairman pro. tem.

Mr. Hanway, from Committee on Fees and Salaries, made the following report :

MR. SPEAKER:—Your Committee on Fees and Salaries, to whom was referred House Bill No. 190, "An act to amend an act, fixing

the fees of the Clerk of the Supreme Court, District Court, District Attorney, Justices of the Peace, Constables, Appraisers and Notaries Public," approved March 6th, 1862, direct me to report it back without recommendation.

JAMES HANWAY,

Chairman.

Mr. Strong, from Committee on Ways and Means, made the following report :

MR. SPEAKER :—The Committee on Ways and Means, have had under consideration House Bill No. 110, and recommend the passage of the enclosed substitute.

N. Z. STRONG,

Chairman.

Mr. Sutherland, from Committee on Roads and Highways, made the following reports :

MR. SPEAKER :—Your Committee to whom was referred a large number of Petitions and Bills asking for the location of State roads, wish me to say that they have reported, on the 6th of this month, a general Bill recommending some 31 roads, and all Bills and Petitions on the same subject, that have been referred to them since, up to the present time, they now report separately.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER :—Your Committee, to whom was referred House Bill No. 168, "To locate a certain State road," report that they have embodied it in a general Bill, and recommend that it be adopted.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 189, "To locate a certain State road," report that they have embodied it in a general Bill, and recommend that it do pass.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 188, "An act to change a certain portion of the State

road from Junction City to Council Grove," have had the same under consideration, and instruct me to report it back and recommend its passage.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 184, entitled "An act to locate a road from Irving, Marshall county, to Seneca, Nemaha county," have considered the same and recommend its passage.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee on Roads and Highways to whom was referred House Bill No. 182, entitled "An act to locate a road from Marysville, in Marshall county, to Black Jack, in Pottawattomie county," have considered the same and instruct me to report back recommending its rejection.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 185, entitled "An act to establish a State road from Marysville, in Marshall county, to Louisville, in Pottawattomie county," have considered the same, and instructed me to report back, and recommend its rejection.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bill No. 181, entitled "An act regulating the compensation of persons engaged in the location of State roads," have considered the same and recommend its passage.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred House Bills, Nos. 196 and 197, entitled "Acts to locate certain State roads," have considered the same and recommend their passage with amendments.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee on Roads and Highways to

whom was referred the petition of T. J. Adamson and 95 others, asking for a State road from Topeka, via Holton, in Jackson county to Elwood, in Doniphan county, have instructed me to report the same back with the accompanying Bill, and recommend the passage of said Bill.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 180, entitled "An act to vacate certain streets and alleys in Wilmington, Wabaunsee county," have had the same under consideration, and instruct me to report back that they recommend its passage.

D. H. SUTHERLAND,

Chairman.

Message from the Senate:

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed Senate Joint Resolution No. 8, accepting a proposition by the sureties of H. R. Dutton, to settle the case of the State of Kansas vs. H. R. Dutton *et. al.*; also passed Senate Substitute for House Bill No. 177, "An act for the protection of Farmers," and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Glick of the 6th, moved that the rules be suspended, and Bills ordered to third reading be read now.

Carried.

Senate Bill No. 61, "An act declaring certain bonds and certificates Territorial warrants,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called resulted as follows: Ayes 70, noes none.

Those gentlemen voting aye were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye so the Bill passed.

The title was agreed to.

Senate Bill No. 63, "An act authorizing counties and cities to issue bonds to railroad companies."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 60, noes 6.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Cook, Coffinberry, Craig, Deitrick, Dutton, Dillie, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 26th, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Strong, Stewart, Swift, Throckmorton, Wells and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Callen, Cleavinger, Draper, Goss, Scudder, and West.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 143, "An act to prevent bringing stolen stock into the State, and to seize and condemn when said stock is brought in."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 55, noes 11.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 31st, Goss, Griswold, Hanway, Hendricks, Hodgson, Karr, Kennedy of the 36th, Kohler, Leonard, Loomis, Macdonald, Martindale, Morrow, Moody, Page, Rogers, Sammons, Salisbury, Shepherd, Smith, Spencer, Snyder, Sutherland, Stafford, Stratton, Strong, Stewart, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Deitrick, Glick of the 6th, Gwartney, Jordon, Kennedy of the 26th, Leland, McLellan, Payne, Scudder, Storch and Wells.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Glick of the 6th and James McLellan presented the following protest against the passage of House Bill No. 43:

MR. SPEAKER:—I enter my protest against this Bill No. 143, because in my judgment it violates the 3d clause of section 8, of articles 1, and first clause of section 2, of article 4 of the United States Constitution.

It also takes the property of individuals and robs them of it without a hearing in the court, and without a trial by jury, and is a violation of two clauses of our State Constitution.

For these reasons we protest and vote against the passage of this Bill.

G. W. GLICK,
JAMES McLELLAN.

House Bill No. 44, "An act declaring the county road from Wyandotte to Leavenworth, via the Missouri river bottom, to be a State road,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 63, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Draper, Fairchild, Foster, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rice, Rogers, Salisbury, Scudder, Shepherd, Smith, Spencer, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 151, "An act locating a State road from Lawrence to Hiawatha,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 68, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen Campbell, of the 33d, Campbell, of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Goss, Griswold, Gwartney, Hanway, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder Sutherland, Storch, Stafford, Strong, Stewart, Swift, Throckmorton, Wells and Mr. Speaker.

Mr. Glick of the 6th, voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion, the House resolved itself into Committee of the Whole, for consideration of the calendar.

Mr. Russell in the chair.

After some time spent therein the Committee arose, and through its chairman reported back House Bill No. 165, "An act making appropriations for a geological survey."

The report of the Committee was agreed to.

Mr. Rice, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 43, "An act supplemental to an act in relation to roads," approved March 1st, 1864, and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,

Chairman.

House Bill No. 165, "An act making an appropriation for a geological survey,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 53, noes 15.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Deitrick, Dutton, Fairchild, Finn, Fletcher, Glick of the 6th, Goss, Griswold, Hanway, Hendricks, Houts, Hodgson, Karr, Kennedy of the 36th, Kennedy of the 26th, Leland, Leonard, Loomis, MacDonald, Morrow, Moody, O'Brien, Page, Payne, Riddle, Rice, Rogers, Russell, Salisbury, Scudder, Smith, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Browne, Coffinberry, Darby, Dillie, Glick of the 31st, Gwartney, Harvey, Jordan, Kohler, McLellan, Rawlings, Sammons, Wells and West.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

The House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

On motion, indefinite leave of absence was granted to Mr. Hughes.

Also to Mr. Archer, Assistant Sergeant-at Arms, until to-morrow evening.

On motion, the House resolved itself into Committee of the Whole, for consideration of House Bills Nos. 128 and 64, and Senate Bills Nos. 2 and 5.

After some time spent therein, the Committee arose and through its chairman reported back Senate Bill No. 2, "An act to amend an act to enable the trustees of colleges, academies, universities and other institutions and societies to become bodies corporate," with amendments and recommended its passage as amended.

Also House Bill No. 128, "To provide for transcribing certain records," with amendments and recommended its passage as amended.

Also Senate Bill No. 5, "An act to authorize the school district of Paola to issue bonds," with amendments, and recommended its passage as amended.

Also House Bill No. 64, "An act to vacate a certain road," with amendments, and recommended its passage as amended.

The report of the Committee was agreed to.

The House again resolved itself into Committee of the Whole, for the consideration of House Bills Nos. 164, 38, 153 and 54, and Senate Bill No. 14.

Mr. Russell in the chair.

After some time spent therein the Committee arose, and through its chairman reported back House Bill No. 164, "An act to amend an act to provide for the protection of game," and recommended its passage.

Also House Bill No. 38, "An act to locate certain streets and alleys," with amendments, and recommended its passage as amended.

Also House Bill No. 153, "An act to vacate a certain alley in Cuddy's addition to Junction City," with amendments, and recommended its passage as amended.

Also Senate Bill No. 14, "Making appropriations for rent of Capitol buildings," with amendments, and recommended its passage as amended.

Also House Bill No. 54, "An act detaching the county of Wilson and attaching it to the county of Otto for judicial purposes," and recommended that all after the enacting clause be stricken out, and all after the enacting clause of "An act to locate a road from Marysville, in Marshall county to the Republican river," inserted, and with the enacting clause amended, recommended its passage.

The report of the Committee was agreed to.

Mr. Russell moved that Bills reported favorably by Committee of the Whole, and not amended, be considered engrossed and ordered to a third reading.

Carried.

Mr. Broadhead offered the following resolution, which was adopted:

Resolved, That the Committee on Roads and Highways, be instructed to produce, or re-produce, or learn the whereabouts of general road Bill —, and report the same as soon as possible to this House.

The House resolved itself into Committee of the Whole, for consideration of House Bills Nos. 170, 174, 123, 166 and 173.

Mr. Russell in the chair.

After some time spent therein, the Committee arose, and through its Chairman reported back House Bill No. 170, "An act to amend school laws."

Reported progress on House Bills Nos. 123, 166, 173 and 174, and asked leave to sit again on the same.

The report of the Committee was agreed to.

By consent, Mr. Throckmorton, from Committee on Railroads, made the following report :

MR. SPEAKER :—Your Committee to whom was referred House Bill No. 140, entitled "An act to provide for the incorporation of Railroad companies," have had the same under consideration, and beg leave to present Senate Bill No. 3, on the same subject, and recommend that it be made the special order for this evening.

JOB THROCKMORTON,

Chairman.

The House adjourned until 7 p. m.

EVENING SESSION.

7 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

On motion, the Sergeant-at-Arms was ordered to bring in absentees.

By consent, the following messages were taken up:

MR. SPEAKER:—I am directed to inform the House that the Senate have passed Senate Bill No. 3, "An act to provide for the incorporation and regulation of Railroad Companies;" Also passed Senate Bill No. 68, "An act to amend the city charter of Atchison," and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed to inform the House that the Senate have concurred in House amendments to Senate Bill No. 63, and Senate Bill No. 61. The Senate have indefinitely postponed House Concurrent Resolution No. 19. The Senate have passed House Concurrent Resolutions Nos. 21, 4, 20, 22, and 3, and have also passed House Bill No. 44; also passed Senate Joint Resolutions Nos. 10 and 6; Senate Concurrent Resolutions Nos. 44 and 39, in all of which your concurrence is requested.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the

House that the Senate have passed Senate Bills Nos. 53, 48, 29 and 21, and ask your concurrence therein. The Senate have also passed House Bills Nos. 156, 87, 51, 56 and 21.

A. SMITH DEVENNEY,

Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed House Bill No. 6, "An act to amend and consolidate the several acts relating to the city of Lawrence."

A. SMITH DEVENNEY,

Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed Senate Bill No. 72, "Authorizing the Commissioners of Bourbon county to issue bonds to build a bridge," and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed Senate Concurrent Resolution No. 35, "Asking Congress to remove restrictions from the sale of Indian lands," and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed Senate Concurrent Resolution No. 27, "Requesting our Senators and Representative in Congress to have certain towns made points on certain railroads," and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed Senate Concurrent Resolution No. 41, "Asking the President of the United States to cause certain lands to be sold for the benefit of white settlers."

Also passed Senate Concurrent Resolution No. 42, "Ratifying certain proposed amendments of the Constitution to the United

States, abolishing slavery," in all of which the Senate respectfully solicit your concurrence.

A. SMITH DEVENNEY,

Secretary of the Senate.

Senate Bill No. 3, "An act to provide for the incorporation and regulation of railroads companies,"

Read first time.

Senate Bill No. 68, "An act to amend the charter of the city of Atchison, so as to provide for schools,"

Read first time.

Senate Bill No. 72, "An act authorizing the Board of County Commissioners of Bourbon county to issue bonds for the purpose of building a bridge across the Marmaton river,"

Read first time.

Senate Bill No. 53, "An act to amend an act entitled an act respecting bonds, notes and bills of exchange." approved February 2d, 1859,

Read first time.

Senate Bill No. 48, "An act to amend an act to establish a bureau of immigration, and appoint agents therefor."

Read first time.

Senate Bill No. 29, "An act to encourage the growth of forest trees,"

Read first time.

Senate Bill No. 21, "An act to amend an act in relation to bonds,"

Read first time.

Senate Joint Resolution No. 6, "In relation to cancelled Territorial warrants and bonds,"

Read first time.

Senate Joint Resolution No. 10, "In reference to contract with Mr. McCarthy,"

Read first time.

On motion, the House resolved itself into Committee of the Whole, for consideration of the special order for this hour.

Mr. Russell in the chair.

After some time spent therein the Committee arose, and through its chairman reported back House Bill No. 81, "An act to amend an act to establish the western boundary of Davis county," and recommended that it be indefinitely postponed.

Also House Bill No. 131, "An act to enlarge Atchison county, by taking territory from Jefferson county," and recommended that the enacting clause be stricken out.

Reported progress on House Bills Nos. 169, 89, 159 and 95, and Senate Bill No. 46, and ask leave to sit again.

Mr. Broadhead moved to agree to the report of the Committee.

Mr. Callen moved, as an amendment, that the House disagree to the report on House Bill No. 81,"

The ayes and noes being called, resulted as follows: Ayes, 13, noes 45.

Those gentlemen voting aye, were—

Messrs. Abraham, Broadhead, Callen, Campbell of the 51st, Craig, Draper, Glick of the 6th, Harvey, Leland, Morrow, Page, Russell, and Scudder.

Those gentlemen voting no, were—

Messrs. Atwood, Benton, Browne, Campbell of the 33d Cavender, Christy, Coffinberry, Darby, Deitrick, Dutton, Dillie, Fairchild, Finn, Foster, Glick of the 31st, Griswold, Gwartney, Hendricks, Houts, Hodgson, Jorden, Karr, Kennedy of the 26th, Kohler, Leonard, Loomis, Macdonald, Martindale, Moody, O'Brien, Rawlings, Riddle, Rogers, Sammons, Salisbury, Shepherd, Smith, Snyder, Sutherland, Storch, Stafford, Stewart, Throckmorton, Wells and West.

So the motion to disagree was lost, and the report was agreed to

Mr. Russell moved to take up and consider Senate Bill No. 3.

Carried.

The Bill was read, considered, and by consent, amended.

Mr. Broadhead moved that the Bill be considered engrossed and ordered to a third reading.

Carried.

Mr. Glick of the 6th, moved that the vote by which the Bill was considered engrossed and ordered to a third reading, be reconsidered.

Lost.

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 9, 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Abraham, Benton, Broadhead, Callen, Christy, Coffinberry, Craig, Darby, Finn, Foster, Fletcher, Glick of the 6th, Goss, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Kennedy of the 36th, Kennedy of the 26th, Leland, Leonard, Moody, Perry, Riddle, Shepherd, Strong and Throckmorton.

Prayer by the Rev. Mr. Bowker.

Journal of yesterday read and approved.

Mr. Glick, from Committee on Judiciary, made the following report:

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred Senate Joint Resolution No. 5, "To amend section 4, article 15 of the Constitution," report the same back and recommend its rejection.

G. W. GLICK,

Chairman.

MR. SPEAKER:—Your Committee on Judiciary, to whom was referred House Bill No. 113, "An act to repeal section 2 of an act relinquishing the right of the State to the Capitol property at Leecompton," approved June 4th, 1861, report the same back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER :—Your Committee on Judiciary, to whom was referred Senate Bill No. 44, "An act amending an act entitled an act establishing a code of civil procedure," report the same back with the following amendments :

After the words "one hundred and ninety-nine," in the first and second lines of section one, of "An act entitled an act to establish a code of civil procedure;" also after the word "brought," in the last line of the same section, the following: "But an attachment shall not be granted, on the ground that the defendant is a foreign corporation, or non-resident of this Territory, for any claim other than a debt, or demand arising upon contract, judgment or decree, unless the cause of action arose wholly within the limits of this State, which fact must be established on the trial," and recommend its passage as amended, and that the same be not published.

G. W. GLICK,
Chairman.

Mr. Swift, from Committee on Retrenchment and Reform, made the following report :

MR. SPEAKER :—Your Committee on Retrenchment and Reform, to whom was referred Bill No. 199, "An act to prohibit the retailing of spirituous liquors, and to repeal all laws licensing the sale of the same, with the petition of W. H. Mackey and 39 others, praying for the repeal of the law, licensing the retailing of spirituous liquors," and a majority of your Committee instruct me to report the same back and recommend that the Bill do not pass, and that the prayer of the petitioners be not granted.

F. B. SWIFT,
Chairman.

Mr. Martindale, from Committee on Agriculture, made the following report :

MR. SPEAKER :—Your Committee to whom was referred Senate Bill, No. 50, "An act to prevent swine running at large in certain townships and counties," have had the same under consideration, and beg leave to report the same back and recommend its passage.

WM. MARTINDALE,
Chairman.

Mr. Leonard, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER—Your Committee on Engrossed Bills, have examined House Bills Nos. 138, 170, 153, 128 and 64, and Senate Bill No. 2, and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro tem.

Mr. Shepherd, from Committee on Corporations, made the following report:

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 42, "An act to create and regulate macadamized and plank road companies," beg leave to report the same back and recommend its passage.

H. D. SHEPHERD,

Chairman.

Mr. Fairchild, from Special Committee, made the following report:

MR. SPEAKER:—Your Committee, to whom was referred Senate Bill No. 51, "An act legalizing the assessment of certain taxes in the city of Atchison," respectfully report that they have had the same under proper consideration, and recommend that the Bill pass.

G. H. FAIRCHILD,

Chairman.

Message from the Governor:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 8th, 1865. }

To the House of Representatives:

I have approved House Bill No. 37, "An act to change a certain State road, House Bill No. 19, "An act concerning the duties of County Treasurers."

S. J. CRAWFORD.

Gentlemen of the House of Representatives:

I am in receipt of daily communications from the border, from

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which I believe the invasion of our State is contemplated, and therefore urgently request the immediate passage of a militia law, that the proper steps may be taken to secure safety to our people.

S. J. CRAWFORD.

February 8th. 1865.

Mr. Browne offered the following resolution:

Resolved, That no member of this House is entitled to pay for the 20th and 21st days of January, 1865, the time during which the House adjourned for the purpose of visiting Wyandotte, at the invitation of the Union Pacific Railroad company.

Laid over under the rules.

Mr. Darby offered the following resolution:

Resolved, That the Governor be and he is hereby requested to appoint G. C. Swallow, State Geologist.

Laid over under the rules.

Mr. Stratton introduced House Concurrent Resolution No. 23.

Laid over under the rules.

Mr. Russell offered House Concurrent Resolution No. 24.

Laid over under the rules.

Mr. Glick of the 6th, moved that the rules be suspended, and Bills on third reading read now.

Carried.

Senate Bill No. 2, "An act to amend an act to enable the trustees of colleges and academies, universities, institutes, societies and corporations to become bodies corporate,"

Read third time.

The question being "shall the Bill pass?"

The ayes and noes being called, resulted as follows: Ayes 61, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy, of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 128. "An act to provide for the transcribing of certain records."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 67, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 5, "An act to authorize the school district of Paola to issue bonds,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 63, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Payne, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stewart, Swift, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 64, "An act to vacate a certain road,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 65, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Payne, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye so the Bill passed.

The title was agreed to.

House Bill, No. 164, "An act to amend an act to provide for the protection of game," approved May, 1861,

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 52, noes 9.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Fairchild, Goss, Griswold, Gwartney, Harvey, Hendricks, Houts, Jordon, Kennedy of the 26th, Leland, Leonard, Macdonald, Martindale, Morrow, O'Brien, Page, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Christy, Glick of the 6th, Glick of the 31st, Hodgson,

Karr, Kohler, Loomis, McLellan, and Snyder,

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 138, "An act to vacate certain streets and alleys,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 61, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Deitrick, Dillie, Fairchild, Glick of the 6th, Glick of the 31st, Goss, Gwartney, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 153, "An act to vacate a certain alley in Cuddy's addition to Junction City."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called resulted as follows: Ayes 63, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell, of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Fairchild, Finn, Foster, Fletcher, Glick of the 31st, Goss, Gwartney, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Rawlings, Rice, Rogers, Russell, Sammons, Salisbury, Scud der, Shepherd, Smith, Spencer, Snyder, Sutherland, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 14, "An act making appropriation to pay the rent of the Capitol buildings,"

Read third time.

The question being, shall the Bill pass?"

The ayes and noes being called, resulted as follows: Ayes 61, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Deitrick, Dillie, Fairchild, Finn, Fletcher, Goss, Griswold, Gwartney, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Rawlings, Rice, Rogers, Sammons, Salisbury, Scud der, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 54, "An act to locate a State road from Marysville, in Marshall county, to the Republican river,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 65, noes, noes.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne Rawlings, Rice, Rogers, Sammons, Salisbury, Seudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the bill passed.

The title was agreed to.

House Bill No. 179, "An act to amend school laws,"

Read third time.

The question being, shall the Bill pass?

The ayes and nays being called, resulted as follows: Ayes 63, noes, 1.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Deitrick, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney,

Harvey, Hendricks, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Morrow, McLellan, O'Brien, Page, Payne, Rawlings, Rice, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

Mr. Abraham voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Substitute for House Bill No. 198, "An act to establish and maintain bridges over the Republican and Smoky Hill Fork, in Davis county,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 20, noes 42.

Those gentlemen voting aye, were—

Messrs. Callen, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Draper, Goss, Harvey, Hedgson, Kennedy of the 36th, Kohler, Leland, Morrow, Page, Payne, Rice, Storch and Swift.

Those gentlemen voting no, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Dillie, Fairchild, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwarty, Hendricks, Houts, Jordon, Karr, Kennedy of the 26th, Leonard, Loomis, Martindale, O'Brien, Rawlings, Rogers, Sammons, Salisbury, Shepherd, Smith, Spencer, Snyder, Sutherland, Stafford, Stratton, Strong, Stewart, Throckmorton, Wells and West.

A constitutional majority not having voted aye, so the Bill was lost.

Senate Bill No. 3, "An act to provide for the incorporation and regulation of railroad companies,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 59, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Deitrick, Dillie, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Harvey, Hendricks, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leonard, Loomis, Martindale, Morrow, McLellan, O'Brien, Page, Payne, Rawlings, Riddle, Rogers, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion, Senate Bill No. 31, was considered engrossed and ordered to a third reading.

Mr. Strong moved that Senate Bill No. 31, and House Bill No. 191, be made the Special order for 2 p. m., to-day.

Mr. Glick of the 6th, moved to amend so as to make Bill 191, come first in order.

Mr. Benton moved that the House adjourn.

Lost.

A call of the House was ordered.

Mr. Broadhead moved that further proceedings under the call be dispensed with.

Mr. Glick of the 6th, claimed the motion was out of order.

The Speaker ruled otherwise.

Mr. Campbell of the 33d, appealed from the decision of the Chair.

Mr. Foster moved that the appeal be laid on the table.

The Speaker decided Mr. Foster's motion out of order.

The question being, shall the decision of the Chair be sustained?

The ayes and noes being called, resulted as follows: Ayes 46, noes 14.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Darby, Dillie, Fairchild, Finn, Foster, Fletcher, Glick of the 31st, Goss, Griswold, Harvey, Hendricks, Houts, Karr, Kohler, Leonard, Macdonald, Martindale, Morrow, Page, Payne, Riddle, Rice, Sammons, Scudder, Shepherd, Smith, Snyder, Sutherland, Stafford, Stratton, Strong, Stewart, Swift, Throckmorton and West.

Those gentlemen voting no, were—

Messrs. Browne, Campbell of the 33d, Deitrick, Glick of the 6th, Gwartney, Hodgson, Jordon, Kennedy of the 26th, Loomis, Moody, O'Brien, Rawlings, Rogers and Salisbury.

So the decision of the Chair was sustained.

Mr. Glick of the 31st, moved to adjourn.

Lost.

Mr. Glick of the 6th, moved that the subject be postponed until
2 P. M.

Lost.

Mr. Strong moved the previous question.

Mr. Foster moved to adjourn.

Upon which the ayes and noes were called, with the following result: Ayes 24, noes 40.

Those gentlemen voting aye, were—

Messrs. Atwood, Browne, Campbell of the 33d, Deitrick, Foster, Fletcher, Glick of the 6th, Goss, Gwartney, Hendricks, Hodgson, Jordon, Kennedy of the 26th, Loomis, Macdonald, Moody, O'Brien, Payne, Russell, Salisbury, Scudder, Shepherd, Stafford and Stratton.

Those gentlemen voting no, were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dillie, Fairchild, Finn, Glick of the 31st, Griswold, Harvey, Houts, Karr, Kohler, Leonard, Martindale, Morrow, Page, Rawlings, Riddle, Rice, Rogers, Sammens, Smith, Snyder, Sutherland, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

So the motion to adjourn was lost.

The question being, shall the main question be now put?

It was decided in the negative.

The question recurring on the amendment of Mr. Glick of the 6th,

The ayes and noes being called, resulted as follows: Ayes 24, noes 40.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Browne, Campell of the 33d, Coffinberry, Deitrick, Foster, Fletcher, Glick of the 6th, Goss, Gwartney, Hendricks, Hodgson, Jordon, Kennedy of the 26th, Loomis, Moody, O'Brien, Payne, Rawlings, Riddle, Rogers, Shepherd and Stratton.

Those gentlemen voting no, were—

Messrs. Abraham, Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Fairchild, Finn, Glick of the 31st, Griswold, Harvey, Heuts, Karr, Kohler Leonard, Macdenald, Martindale, Morrow, Page, Rice, Russell, Sammons, Salisbury, Scudder, Smith, Snyder, Sutherland, Stafford, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

So the amendment was lost.

The question recurring on the original motion, it was adopted.

By consent, Mr. Smith introduced House Bill No. 203, "An act to amend an act, entitled an act to incorporate cities of the State of Kansas," approved March 4th, 1862,

Read first time.

The House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

By consent, Mr. Sutherland, from Committee on Roads and Highways, made the following report:

MR. SPEAKER:—Your Committee on Roads and Highways were requested, yesterday, to inform the House what had become of a certain road Bill.

In compliance with said request, the Committee would report that they reported all of said Bills in due time in a general road Bill. That owing to a mistake of some person, to us unknown, the wrong title had been attached to said Bill, in consequence of which mistake, the Bill could not be found; that said Bill has this day been discovered to be in the printing office, and that it will be before the House, duly printed to-day.

D. H. SUTHERLAND,

Chairman.

On motion, the House resolved itself into Committee of the Whole, for consideration of the special order.

Mr. Russell in the chair.

After some time spent therein, the Committee arose and through its chairman reported back Senate Bill No. 31, and recommended its passage with amendments.

Reported progress on House Bill No. 191, and asked leave to sit again to-morrow at 10 A. M.

Mr. Strong moved that the report of the Committee be agreed to.

The ayes and noes being called, resulted as follows: Ayes 55, noes 4.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Fairchild, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Harvey, Hendricks, Houts, Hodgson, Karr, Kennedy of the 36th, Leland, Leonard, Loomis, Martindale, Merrow, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Sammons Salisbury, Seudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Atwood, Browne, Campbell of the 33d, and Foster.

So the report of the Committee was agreed to.

Leave of absence was granted to Mr. Stafford.

Mr. Rice from Committee on Enrolled Bills made the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 21, "An act in relation to the deaf and dumb."

Also House Bill No. 51, "An act supplemental to an act for the relief of Moulton G. Farnham."

Also House Bill No. 56, "An act defining the duties of county officers," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE.

Chairman:

Senate Joint Resolution No. 10, was read second time, and by consent placed upon the calendar.

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 10, 1865, 9 o'clock, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Browne, Coffinberry, Cleavinger, Craig, Fairchild, Foster, Fletcher, Glick of the 31st, Hendricks, Houts, Hughes, Leland, Leonard, Payne, Perry, Rogers, Stratton, Strong and Throckmorton.

Prayer by the Rev. Mr. Oliver.

Journal of yesterday read and approved.

On motion, Col. L. Goss was invited to a seat within the bar.

Mr. Strong, from Committee on Ways and Means, made the following report:

MR. SPEAKER:—The Committee on Ways and Means, instruct me to report the following Bill and recommend its passage.

N. Z. STRONG,
Chairman.

Mr. Craig, from Committee on Education, made the following report:

MR. SPEAKER:—Your Committee on Education, to whom was referred House Bill No. 195, "An act to amend an act authorizing the sale of school lands," report the same back without recommendation.

WARNER CRAIG,
Chairman.

Mr. Stewart, from Special Committee, made the following report :

MR. SPEAKER :—Your Committee appointed to enquire into the facts connected with the organization of Neosho county, and whether D. Rogers is entitled to a seat in this body, would respectfully report that they have had the matter under consideration, and submit the following statement of facts :

1st. In the organization of Neosho county, we find on file in the Secretary of State's office, the necessary papers to complete such organization. We find from the evidence before us that D. Rogers, S. E. Beach and Rufus Estes, who filed the affidavit, as to the number of inhabitants of the county of Neosho, are residents of Allen county. That of the thirty-one persons representing themselves as resident freeholders of Neosho county, a large majority are residents of Allen county, and that J. L. Fletcher who was appointed special Clerk, and the three persons appointed County Commissioners, are residents of Allen county. As to the validity of such organization, your Committee respectfully submit the following opinion of the Attorney General :

ATTORNEY-GENERAL'S OFFICE, }
February 4th, 1865. }

To the Special Committee appointed to inquire into the validity of the organization of new counties :

GENTLEMEN :—I have received a communication from your Chairman, asking my opinion as to the validity of the organization of new counties under the "act relating to the organization of new counties," compiled laws, page 435. The provisions of law referred to require : First. That the parties making the affidavit should be residents of the unorganized county sought to be organized. Second. They should be freeholders. Third. The parties petitioning should be freeholders and residents of the unorganized county. Fourth. The Commissioners appointed by the Governor, should be residents of such unorganized county.

The rule is well settled, by a long series of adjudications, both in England and this country, that acts done by those who are officers

de facto are good and valid, as regards the public and third persons who have an interest in their acts, and the rule has been applied to acts judicial, as well as ministerial, in their character. And a mistake of fact in organizing a new county under said act would not render the organization of the county void. Nor would a failure to comply literally with the provisions of said act of the Legislature vitiate the proceedings of the officers, and where officers act under color of right and authority, courts of justice will not interfere and hold the proceedings of the officers nugatory and void.

If the parties who made the affidavit and signed the petition believed they were residents of such unorganized county, and afterwards it should appear they were not, it could not affect the validity of the organization of the county they were seeking to organize. Nor can I see how it could effect the validity of the organization of the county in which the parties resided who made the affidavit and signed the petition.

Yours Respectfully,

J. D. BRUMBAUGH,

Attorney General.

2d. We find that there were cast 38 votes at the general election in Neosho county, of which D. Rogers received thirty-two, and from the evidence before us we are satisfied that of the entire number of persons voting in the county of Neosho, a large majority are residents of Allen county.

3d. We further find that D. Rogers, who has a seat in this House as Representative from Neosho county, was not at the time of his election a resident of said county, and consequently is not entitled to a seat in this body.

We would respectfully recommend that the seat of said D. Rogers be declared vacant, such vacancy to take effect on the 15th day of February ensuing.

WATSON STEWART,

ED. RUSSELL,

F. R. PAGE,

JOB THROCKMORTON.

On motion, the report was ordered printed.

Mr. Glick of the 31st, offered the following resolution, which was adopted:

Resolved, That the Chairman of the Committee on Ways and Means, be directed to enquire how many copies of the Governor's Message have been delivered to the Senate and House of Representatives, and also to enquire why said order of the House and Senate, authorizing the printing of 5,000 copies of the Governor's Message, has not been complied with.

Mr. Glick, from Committee on Judiciary, made the following report:

Your Committee to which was submitted Senate Bill No. 28, report the following amendments, and submit the following reason for said action,—that an almost unanimous agreement has been consented to by parties concerned, and that it also changes the county lines from the present section lines and places them on parallel and range lines, and more fully equalizes the extent of the counties embraced, and still leaves those counties, from which the largest portions are detached, nearly double the constitutional minimum. A large number of settlers on the portion detached, have almost unanimously on former occasions petitioned for the present proposed change, and believing as your Committee does, that it will forever harmonize the difficulties in said counties; therefore, your undersigned members of the Committee recommend its passage,—said amendment to be inserted after the enacting clause.

G. W. GLICK,
J. F. BROADHEAD,
N. Z. STRONG,
D. C. FINN,
A. W. CALLEN.

On motion, Mr. Keller was invited to a seat within the bar.

Mr. Broadhead moved that Senate substitute for Senate Bill No. 28, be considered engrossed, and ordered to a third reading now.

Lost.

By consent, Mr. Callen offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to furnish such members of this House as have not already been furnished therewith, a copy of Gunn & Mitchell's Sectional Map of the State forthwith, that members may be enabled thereby to act understandingly upon the proposed change of county lines, which will this day come before this House.

Mr. Broadhead moved that the rules be suspended, and Bills read first time be put upon their second reading now.

Carried.

By consent, Mr. Glick of the 31st offered the following resolution, which was adopted :

Resolved, By the House of Representatives, that the Sergeant-at-Arms be and is hereby directed to furnish each member of this House with one copy of the report of the Adjutant General.

Senate Bill No. 2 and Senate Joint Resolution No. 6, were read second time, and

Referred to Committee on Ways and Means.

Senate Bill No. 29, was read second time, and

Referred to Committee on Agriculture.

Senate Bill No. 21, was read second time, and

Referred to Committee on Roads and Highways.

Senate Bill No. 53 and Senate Joint Resolution No. 8, were read second time, and

Referred to Committee on Judiciary.

Senate Bill No. 68, was read second time, and

Referred to a Special Committee, consisting of Messrs. Benton,

Fairchild, Glick of the 6th, Snyder and Storch.

Senate Bill No. 72, read second time, and

Referred to Special Committee.

House Bill No. 203, was read second time, and

Referred to Committee on Education.

Mr. Callen moved that House Bill No. 194, be considered engrossed, and ordered placed on the calendar for third reading tomorrow.

Carried.

Mr. Stotler presented the following protest:

TOPEKA, February 9, 1865.

MR. CHAIRMAN:—I protest against the provision in section two of the act for enrollment, organization, discipline and pay of the militia, which provides that persons conscientiously opposed to bearing arms shall pay an exemption fee of thirty dollars. I protest against this provision because it is oppressive to a numerous, conscientious and freedom-loving portion of my constituents.

JACOB STOTLER,

Representative of the 64th, District.

On motion, the House resolved itself into Committee of the Whole, for further consideration of Senate Bill No. 31 and House Bill No. 191.

Mr. Russell in the chair.

After some time spent therein the Committee arose, and through its chairman reported back Senate Bill No. 31, "An act for the enrollment, discipline, organization and pay of the militia," with amendments and recommended its passage as amended.

Reported progress on House Bill No. 191, and ask leave to sit again.

Mr. Glick of the 6th, moved to amend the Bill, by inserting "white" before "male" in the first section.

The Sergeant-at-Arms was ordered to bring in absentees.

Mr. Rice, from Committee on Enrolled Bills, made the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 6, "An act to amend an act to amend and consolidate the several acts relating to the city of Lawrence."

Also House Bill No. 87, "An act to provide for the appointment of Commissioners to make deeds in the several counties in the State."

Also House Bill No. 156, "An act to amend an act entitled an act to incorporate the city of Atchison," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,

Chairman.

The question recurring on the motion to amend the first section of Senate Bill No. 31:

The ayes and noes being called, resulted as follows: Ayes 19, noes 45.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Callen, Campbell of the 33d, Campbell of the 51st, Deitrick, Foster, Glick of the 6th, Goss, Gwartney, Harvey, Jordon, Kennedy of the 26th, Moody, O'Brien, Salisbury, Snyder, Storch and Wells.

Those gentlemen voting no, were—

Messrs. Abraham, Broadhead, Browne, Cavender, Christy, Church, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Fairchild, Fletcher, Griswold, Hanway, Houts, Hodgson, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis

Macdonald, Martindale, Morrow, McLellan, Page, Payne, Rawlings, Riddle, Rice, Russell, Sammons, Shepherd, Smith, Sutherland, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

So the motion to amend was lost.

Mr. Payne moved to amend by striking out of section 1, all after the word "officer" and before the words "the militia."

Lost.

On motion, the report of the Committee was agreed to.

Mr. Broadhead moved that Senate Bill No. 31, be engrossed and ordered to a third reading.

Carried.

The House adjourned.

AFTERNOON SESSION.

2 o'clock P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

By consent, Mr. Craig, from Committee on Education, made the following report:

MR. SPEAKER:—Your Committee on Education, to whom was

referred House Bill No. 203, entitled "An act to amend an act entitled an act to incorporate cities of the State of Kansas," approved March 4th, 1862, report the same back and recommend its passage.

WARNER CRAIG,

Chairman.

The following messages from the Senate were taken up:

MR. SPEAKER: The Senate have passed House Bill No. 165, "An act making an appropriation for a geological survey."

A. SMITH DEVENNEY,

Secretary of the Senate.

MR. SPEAKER:—The Senate directs me to report to the House of Representatives the following Bills, which the Senate desire incorporated with the general road Bill; Senate Bills Nos. 76, 35, and 65; House Bills Nos. 22 and 151.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Storch moved that House Bill No. 151, be sent back to the Senate.

Carried.

MR. SPEAKER:—I am directed to inform you that the Senate have concurred in House amendments to Senate Bills Nos. 2 and 3.

A. SMITH DEVENNEY,

Secretary of the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives, that the Senate have passed House Bill No. 63, with the following amendment:

"*Provided*, That the provisions of this act shall not apply to the county of Coffey, until the lapse of two years from the passage of this act."

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Christy moved that the House concur in Senate amendments to House Bill No. 63.

Mr. Foster moved as an amendment, that the House non-concur.

Carried.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives, that the Senate have passed Senate Joint Resolution No. 11, "Relating to the location of the Blind Asylum at Wyandotte City, Kansas, and ask your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

On motion, Dr. Logan was invited to a seat within the bar.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives, that the Senate have passed Senate Bill No. 57, "An act regulating State University," and Senate Bill No. 59, "An act in relation to school house sites," and requests your concurrence therein.

The Senate have also passed House Bills Nos. 58, 45, 30, 12, and 13.

A. SMITH DEVENNEY,

Secretary of the Senate.

Senate Joint Resolution No. 11, "In relation to locating the Blind Asylum,"

Read first time.

On motion Messrs. D. W. Wilder and Dr. J. B. Irwin were invited to seats within the bar.

Senate Bill No. 57, "An act regulating the State University,"

Read first time.

Senate Bill No. 59, "An act in relation to school house sites,"

Read first time.

The rules were suspended and Senate Joint Resolution No. 11,

x2

Read second time.

Mr. Glick of the 31st, moved that the rules be suspended, and Senate Joint Resolution considered engrossed and ordered to a third reading now.

Carried.

Senate Joint Resolution No. 11, "Relating to the location of the Blind Asylum,"

Read third time.

The question being, shall the Joint Resolution pass?

The ayes and noes being called, resulted as follows: Ayes 61, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Benton, Browne, Campbell of the 33d, Cavender, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Fairchild, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Houts, Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion, the House resolved itself into Committee of the Whole, for consideration of Special orders.

Mr. Russell in the chair.

After some time spent therein the Committee arose and through its chairman reported back House Bill No. 191, "An act supple-

mental to an act to provide for the assessment and collection of taxes," with amendments, and recommended its passage as amended.

The report of the Committee was agreed to:

The following message from the Senate was taken up:

MR. SPEAKER:—The Senate have passed House Bills No. 119, 143 and 149; also passed the accompanying substitutes for House Bills No. 115 and 70; also passed House Bill No. 71, "Amending the code of criminal procedure" with these amendments: strike out the 1st section, also strike out of section four, the words "two hundred and eighteen"; also passed Senate Bills No. 66 and 69, and solicit your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

Senate Bill No. 69, "An act to create a Commercial College,"

Read first time.

Senate Bill No. 66, "An act concerning Wyandotte county court house bonds,"

Read first time.

By consent the following note was read:

HOUSE OF REPRESENTATIVES,
February 10th, 1865 }

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to tender through you to the State the pen with which the members of this House subscribed to the Concurrent Resolution, ratifying the amendment to the Constitution of the United States, forever abolishing slavery or involuntary servitude wherever floats the national flag.

It seems to me meet that they should together be treasured sacredly in the archives of the Commonwealth.

Respectfully,

N. Z. STRONG.
Rep. 53d District.

Mr. Throckmorton offered the following resolution, which was adopted:

Resolved, That the Speaker accept the pen tendered, and in the name of the House, present the same to the Governor of the State, with the request that it be preserved with the enrolled copy of the Concurrent Resolution.

Senate substitute to House Bill No. 70, "An act regulating weights and measures,"

Read first time.

Senate substitute to House Bill No. 115, "An act regulating crimes and punishment of crimes against the persons of individuals,"

Read first time.

Mr. Glick moved that the House non-concur in Senate amendments to House Bill No. 71.

Carried.

Message from the Senate:

MR. SPEAKER:—The Senate have receded from their amendment to House Bill No. 63. The Senate have passed House Bills Nos. 151, 141, 18 and 53.

Also passed Senate Bill No. 67, "An act defining the boundaries of Wilson county, and others,"

Senate Bill No. 74, "An act fixing the compensation of the *pro. tem.* judges," &c., and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

Senate Bill No. 74, "An act fixing the compensation of *pro. tem.* judges of the District Court, and providing for the payment of the same,"

Read first time.

Senate Bill No. 67, "An act defining the boundaries of Wilson county and others,"

Read first time.

On motion of Mr. Glick of the 31st, the rules were suspended, and Senate Bill No. 66, was

Read second time.

Mr. Glick of the 31st, moved that Senate Bill No. 66, be considered engrossed, and placed on the calendar for third reading.

Carried.

Mr. Broadhead moved that Senate Bill No. 28, and all other Bills relating to county lines, be made the special order for 7 o'clock this evening.

Mr. Russell moved that Senate Bill No. 45, and House Bill No. 137, Senate Bill No. 7, Senate Joint Resolution No. 10, House Bills Nos. 192, 110, 159, 161, 176, 162 and 123, be made the special order for to-morrow at 11 A. M.

Carried.

Mr. Rice, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, have examined House Bill No. 13, "An act to amend an act, defining the powers and duties of certain State officers."

Also House Bill No. 58, "An act to regulate county officers."

Also House Bill No. 121, "An act to protect the debts due to persons in the volunteer military service of the United States."

Also House Bill No. 45, "An act concerning mutilated, lost and destroyed bonds and warrants."

Also House Bill No. 30, "An act to amend an act entitled an act, regulating inclosures," approved February 11th, 1859.

Also House Bill No. 165, "An act making an appropriation for a geological survey," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,
Chairman.

. By consent, Mr. Swift, from Committee on Retrenchment and Reform, made the following report :

MR. SPEAKER :—Your Committee on Retrenchment and Reform, to whom was referred Senate Bill No. 40, "An act to provide for the erection of the State Capitol building, and making appropriation for the same," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage

F. B. SWIFT,
Chairman.

Miss Mary J. Watson, Miss S. J. Harvey, Miss Jennie Crowe and Mr. Finister, were sworn in as Assistant Enrolling Clerks.

The House adjourned until 7 P. M.

EVENING SESSION.

7 o'clock, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Rice moved House Bill No. 23, be considered engrossed, and ordered to a third reading.

Carried.

By consent, the rules were suspended, and House Bill No. 193, was considered engrossed and ordered to a third reading.

Mr. Leonard, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—The Committee on Engrossed Bills, have examined Senate Bill No. 31, "An act for the enrollment, organization, discipline and pay of the militia," and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro. tem.

On motion, Messrs. McClure and Bunting were invited to seats within the bar.

On motion, the House resolved itself into Committee of the Whole, for consideration of the special order,

Mr. Glick of the 6th, in the chair.

After some time spent therein the Committee arose and through its chairman reported back Senate Bill No. 28, "An act relating to the boundary lines of Douglas county," and recommended the passage of the original Bill.

Also House Bill No. 169, "An act to provide for the location of the county seat of Linn county," and recommended that the enacting clause be stricken out.

Also House Bill No. 95, "An act to define the southern boundary of Allen county," and recommended its passage.

The report of the Committee was agreed to.

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 11, 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Benton, Fletcher, Griswold, Hendricks, Houts, Hughes, Leland, Macdonald, Moody, Page, Spencer, Sutherland, Stafford, Strong, Swift and Wells.

Prayer by Rev. Mr. Bowker.

Journal of yesterday read and approved.

Mr. Glick of the 6th, moved a reconsideration of the vote by which the House non-concurred in Senate amendments to House Bill No. 71.

Carried.

Mr. Glick of the 6th, moved that the House concur in Senate amendments to House Bill No. 71.

The ayes and noes being called, resulted as follows: Ayes 60, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hodgson,

Hughes, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leonard, Loomis, Macdonald, Morrow, McLellan, Moody, O'Brien, Page, Payne, Riddle, Rice, Russell, Salisbury, Scudder, Smith, Snyder, Sutherland, Storch, Strong, Stewart, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, the House concurred in Senate amendments.

On motion of Mr. Strong, the rules were suspended, and Senate Bill No. 67,

Read second time.

Mr. Strong moved that the rules be suspended and Senate Bill No. 67, considered engrossed and ordered to a third reading.

Carried.

The following message from the Senate was taken up :

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed House Bill No. 47, with the accompanying amendments.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Russell moved that the House concur in Senate amendments to House Bill No. 47.

The ayes and noes being called, resulted as follows: Ayes 62, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hodgson, Hughes, Jordon,

Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Rawlings, Riddle, Rice, Rogers, Russell, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Strong, Stewart, Throckmorton, West and Mr. Speaker.

A constitutional majority having voted aye, the amendments were concurred in.

Message from the Governor :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 10th, 1865. }

To the House of Representatives :

I have approved House Bill No. 56, "An act defining the duties of county officers."

House Bill No. 43, "An act supplemental to an act in relation to roads," approved March 1st, 1864.

House Bill No. 21, "An act in relation to the deaf and dumb."

House Bill No. 51, "An act supplemental to an act for the relief of Moulton G. Farnham."

House Bill No. 87 "An act to provide for the appointment of a Commissioner to make deeds in the several counties in the State."

House Bill No. 6, "An act entitled an act to amend an act to amend and consolidate the several acts relating to the city of Lawrence," approved February 27, 1860, and the acts amendatory and supplementary thereto."

House Bill No. 15, "An act to amend an act entitled an act to incorporate the city of Atchison, Kansas Territory," approved Feb. 12th, 1858.

S. J. CRAWFORD.

COMMUNICATION FROM THE ADJUTANT GENERAL.

HEADQUARTERS STATE OF KANSAS, }
ADJUTANT GENERAL'S OFFICE, }
TOPEKA, February 10, 1865. }

Hon. Jacob Stotler, Speaker of the House of Representatives:

SIR—I have the honor to acknowledge the receipt of a Resolution of the House of Representatives of this date, requesting the Adjutant General to “furnish each member of the House with one copy of the Adjutant General’s Report.”

I sent a team to Leavenworth on Monday last for 200 copies of the Report. They are now due, and will certainly be here to-day, or early to-morrow morning. As soon as received the number of copies required by the House, will be promptly transmitted.

Very Respectfully,

Your obedient Servant,

C. K. HOLLIDAY,

Adjutant General.

On motion the communication from the Adjutant General, relating to the distribution of the Adjutant General’s Reports, was referred to Committee on Militia.

Mr. Leonard, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills, have examined House Bill No. 95, “An act to define the southern boundary of Allen county,” and Senate Bill No. 28, “An act relating to the boundaries of Douglas county,” and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro tem.

Mr. Sutherland, from Committee on Roads and Highways, made the following reports:

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred House Bill No. 22, entitled “A Bill to establish

certain roads," would report that they have had the same under consideration and recommend its passage with amendments.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Senate Bills Nos. 35, 65 and 76, have examined the same, and report back that they recommend their passage.

D. H. SUTHERLAND,

Chairman.

MR. SPEAKER:—Your Committee on Roads and Highways, to whom was referred Senate Bill No 21, have had the same under consideration, and a majority of them have instructed me to report back and recommend it be printed.

D. H. SUTHERLAND,

Chairman.

Mr. Shepherd, from Committee on Corporations, made the following reports:

MR. SPEAKER:—Your Committee to whom was referred the Petition of W. J. Brewer, and 27 others, praying for an act of incorporation, for the Mapleton Educational Institute, beg leave to report the same back to the House, and ask that it be referred to Committee on Education.

H. D. SHEPHERD,

Chairman.

MR. SPEAKER:—Your Committee to whom was referred Petition of A. R. Yount and 31 others, relating to coal, beg leave to report the same back, and refer those interested in the matter to House Bill No. 200.

H. D. SHEPHERD,

Chairman.

MR. SPEAKER:—Your Committee, to whom was referred House Bill No. 200, entitled "An act in relation to coal," beg leave to report the same back, and recommend that it be printed.

H. D. SUTHERLAND,

Chairman.

Mr. Martindale, from Committee on Agriculture, made the following report :

MR. SPEAKER :—Your Committee to whom was referred Senate Bill No. 29, "An act to encourage the growth of forest trees," have had the same under consideration, and beg leave to report the same back and recommend its passage.

WM. MARTINDALE,

Chairman.

On motion of Mr. Glick of the 6th, Senate Bill No. 29, was considered engrossed, and ordered to a third reading.

Mr. Benton, from Select Committee, made the following report :

MR. SPEAKER :—Your Select Committee to whom was referred Senate Bill No. 68, "An act to amend the charter of the city of Atchison, so as to provide for schools," have had the same under consideration, and a majority beg leave to report the same back to the House and recommend its passage.

M. R. BENTON,

Chairman.

Mr. Glick of the 6th, from Committee on Judiciary, made the following reports :

MR. SPEAKER :—Your Committee to whom was referred Senate Bill No. 72, entitled "An act to authorize the board of county commissioners of Bourbon county to issue bonds for the purpose of building a bridge across the Marmaton river," have had the same under consideration, and have directed me to report the same back and recommend its passage.

G. W. GLICK,

Chairman.

MR. SPEAKER :—Your Committee to whom was referred Senate Joint Resolution No. 8, "In relation to the settlement of a suit with H. R. Dutton et. al.," have had the same under consideration, and report the same back with the following substitute and recommend its passage.

G. W. GLICK,

Chairman.

Mr. Glick of the 6th, moved that Senate Joint Resolution No. 8, be considered engrossed and ordered to a third reading.

Carried.

Mr. Stratton moved that House Bill No. 166, be made the special order for Monday next at 11 A. M.

Carried.

Senate Bill No. 28, "An act relating to the boundaries of Douglas county,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called resulted as follows: Ayes 59, noes 17.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 31st, Goss, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Leland, Leonard, Loomis-Macdonald, Morrow, McLellan, Moody, Page, Payne, Rice, Rogers, Russell, Scudder, Shepherd, Smith, Sutherland, Storch, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Campbell of the 51st, Dutton, Glick of the 6th, Griswold, Gwartney, Jordan, Kennedy of the 26th, Kohler, Martindale, O'Brien, Rawlings, Riddle, Sammons, Salisbury, Sayder, Stratton, and Wells.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 67. "An act defining the boundary line of Wilson county."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 66, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Hodgson, Hughes, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Sutherland, Storch, Stratton, Strong, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

Mr. Houts voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 51, "An act legalizing the assessment of certain taxes in the city of Atchison."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 53, noes 4.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Cleavinger, Darby, Deitrick, Dutton, Dillie, Fairchild, Foster, Goss, Griswold, Hanway, Harvey, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Loomis, Martin-

dale, McLellan, Moody, O'Brien, Page, Rawlings, Riddle, Rice, Rogers, Sammons, Salisbury, Shepherd, Smith, Spencer, Sutherland, Storch, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Glick of the 6th, Glick of the 31st, Leland and Russell.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 66, "Concerning Wyandotte court house bonds,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 60, noes 3.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Deitrick, Dutton, Dillie, Draper, Foster, Glick of the 6th, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Houts, Hodgson, Hughes, Jordan, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Salisbury, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stratton, Stewart, Swift, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Bill No. 123, "An act for the government and regulation of the State lunatic asylum,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 57, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Craig, Darby, Deitrick, Dillie, Draper, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Riddle, Rice, Russell, Salisbury, Scudder, Smith, Spencer, Snyder, Sutherland, Storch, Stratton, Stewart, Throckmorton, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 95, "An act defining the southern boundary line of Allen county,"

Read third time.

The question being, shall the Joint Resolution pass?

The ayes and noes being called, resulted as follows: Ayes 40, noes 21.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Browne, Campbell of the 33d, Christy, Church, Cook, Coffinberry, Craig, Deitrick, Dutton, Dillie, Foster, Fletcher, Glick of the 6th, Gwartney, Hodgson, Jordon, Kennedy of the 26th, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rogers, Sammons, Salisbury, Scudder, Smith, Spencer, Stratton, Throckmorton, Wells and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Broadhead, Campbell of the 51st, Cavender, Darby, Draper,
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Fairchild, Goss, Griswold, Hanway, Harvey, Houts, Karr, Kennedy of the 36th, Kohler, Morrow, Russell, Snyder, Sutherland, Storch, Stewart and West.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion, the House resolved itself into Committee of the Whole for consideration of the special order.

Mr. Russell in the chair.

After some time spent therein the Committee arose, and through its chairman, reported progress on Senate Bill No. 45, "An act for the payment of the teachers and professors of the State Normal School, State Agricultural College and the State University," and asked leave to sit again.

The report of the Committee was agreed to.

Mr. McBride was sworn in as Assistant Enrolling Clerk.

The House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Houts, from Committee on Militia, made the following report :

MR. SPEAKER:—Your Committee on Militia have had under consideration the communication of the Adjutant General respecting gratuitous distribution of his report, and report the same back with the recommendation that the House concur in the suggestions made in said communication.

W. L. HOUTS,

Chairman.

On motion, the report of the Committee was adopted.

Mr. Moody offered House Concurrent Resolution No. 25, "In relation to cattle stealing."

Laid over under the rules.

On motion, the House went into Committee of the Whole for consideration of the special for this hour.

Mr. Payne in the chair.

After some time spent therein the Committee arose, and through its chairman, reported back Senate Bill No. 45, "An act for the payment of teachers and professors of the State Normal School, State Agricultural College, and the State University," with amendments, and recommended its passage as amended.

Also Senate Joint Resolution No. 10, "In relation to John McCarthy for building the State Penitentiary," and recommended its passage.

Reported progress on Senate Bill No. 7, "An act to provide for the taking of an enumeration of the State of Kansas," and ask leave to sit again.

The report of the Committee was agreed to.

Message from the Senate:

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives, that the Senate have passed House Bills Nos. 95, 164, 153, 138, 64, 128 and 146; also concurred in House amendments to Senate Bill No. 31; also passed Senate Bills Nos. 80.

81, 82, 77, and Senate Joint Resolution No. 12, and request your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Senate Bill No. 31, "An act for the enrollment, discipline, organization and pay of the militia,"

Read third time.

The question being, shall the Bill pass?

The ayes and nays being called, resulted as follows: Ayes 45, noes, 20.

Those gentlemen voting aye, were—

Messrs. Abraham, Browne, Broadhead, Callen, Campbell, of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Fairchild, Finn, Griswold, Hanway, Harvey, Houts, Hughes, Karr, Leland, Leonard, Macdonald, Martindale, Page, Rawlings, Riddle, Rice, Sammons, Shepherd, Smith, Snyder, Sutherland, Stratton, Strong, Stewart, Swift, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Atwood, Benton, Campbell, of the 33d, Deitrick, Foster, Glick of the 6th, Glick of the 31st, Gwartney, Hodgson, Jordon, Kennedy of the 26th, Loomis, McLellan, Moody, O'Brien, Payne, Rogers, Russell, Salisbury, and Scudder.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

The following protests were presented, and ordered spread upon the Journals:

I protest against the passage of this Bill. It has been said that those who opposed this Bill, had no objections to the merits of the Bill, but only wished to kill it for political spite. The falsehood of this is evident from the incontrovertable fact that the friends of

the Bill have no unanswerable objections to the old law, but only wish to get rid of many of the officers appointed under it. I sympathize with the friends of this Bill in a few particulars; but shall we enact a new law, loathsome in its features, to protect our timidity? If we have inefficient officers, and political festers on the body politic of this State, let us come squarely to the work, and cleanse it by a rigid court martial. The question then is, shall we not rather suffer the ills we have, than fly to others we know not of, or shall we not, like men, like statesmen, like honest legislators, by opposing those evils, end them. I ask no better record to place before my people, or the people of this State, than the vote which I cast against this Bill, were that vote the only one against it. The people are not prepared to stand side by side with the negro, at the negro's option, in the same company or regiment, to eat at the same board, or lie under the same blanket. I doubt whether the people will ever be prepared for this innovation, how much so ever this or any Legislature may try to conquer their prejudices, by clearly unconstitutional legislation, as the first section shows. I therefore vote against it.

JOEL MOODY,
63d District.

PROTEST OF G. W. GLICK.

1st. I vote against this Bill because in my judgment it violates Section 1 of Article 8, of the Constitution. It seeks, and if it has any effect it forces into the militia service, persons who, by its provisions are exempt from militia service.

2d. It makes negroes a part of the militia, and places them side by side in the ranks with white citizens. I do not believe that my constituents, or the people of Kansas are ready for so radical a change in our social system. I believe the placing of the negro on an equality with white men is degrading to the white man, and of no benefit to the negro. It in its effects is a long stride in favor of negro equality, that I am not ready or willing to take.

3d. It disorganizes the militia of the State, and in case of invasion we would have no adequate means of immediate defence. If it did not do this, it would be at least bad policy to make a radical change in the militia officers of the State in times like these.

4th. It gives large salaries to officers, which makes it oppressive on the people.

5th. I believe this Bill was gotten up and passed, simply for the purpose of voting out the present incumbents, and make places for new incumbents at large salaries.

For these reasons I think the Bill should not be passed.

G. W. GLICK.

I adopt the foregoing protest.

CHARLES S. GLICK,
31st District.

I concur.

T. M. O'BRIEN.

Mr. Rice, from Committee on Enrolled Bills, made the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 141, "An act to define the western boundary line of Greenwood county."

Also House Bill No. 44, "An act to amend an act entitled an act to establish certain State roads."

Also House Bill No. 53, "An act to authorize the County Commissioners of Morris county, to provide for transcribing the records of the District Court."

Also House Bill No. 191, "An act to amend an act entitled an act to establish a code of civil procedure."

Also House Bill No. 49, "An act to authorize Atchison county to issue bonds to build a jail."

Also House Bill No. 143, "An act to prevent the bringing of stock into the State from the State of Texas, or the Territory south of the southern line of this State, and to seize and condemn the same when brought into the State."

Also House Bill No. 63, "An act amending an act providing for the removal of county seats and the permanent location of the same."

Also House Bill No. 18, "An act to authorize Atchison and Jackson counties to issue bonds for the purpose of building two bridges."

Also House Bill No. 151, "An act locating a State road from Lawrence to Hiawatha."

Also House Bill No. 71, "An act to amend an act to establish a code of criminal procedure," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,
Chairman.

The House adjourned until 7:30 P. M.

EVENING SESSION.

7:30 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

On motion, the House resolved itself into Committee of the Whole for consideration of the special orders.

Mr. Page in the chair.

After some time spent therein, the committee arose, and through its chairman reported back substitute for House Bill No. 137 and Senate Bill No. 7, "An act to provide for an enumeration of the State of Kansas," with amendments, and recommended its passage as amended.

House Bill No. 161, "An act to locate certain roads," with amendments, and recommended its passage as amended.

House Bill No. 192, "An act concerning the boarding of prisoners," and recommended its passage.

House Bill No. 162, "An act regulating Transportation and Express companies," and recommended its passage.

House Bill No. 76, and recommended that the enacting clause be stricken out.

House Bill No. 176, "An act to establish a code of civil procedure," and recommended its passage.

House Bill No. 137, "An act to provide for the delinquent city tax of the year 1862, of the city of Topeka, and to legalize the action of the City Marshal of said city, and the County Clerk of Shawnee county, in certifying said tax for collection," and recommended its passage.

The report of the Committee was agreed to.

On motion of Mr. Broadhead, the rules were suspended for third reading of Bills.

House Bill No. 184, "An act concerning District Courts," was

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 39, noes 4.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell of the 51st, Cavender, Cleavinger, Craig, Deitrick, Fairchild, Finn, Foster, Glick of the 6th, Goss, Hanway, Harvey, Hodgson, Hughes, Karr, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Riddle, Rice, Russell, Salisbury, Scudder, Smith, Spencer, Snyder, Sutherland, Storch, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Dillie, Glick of the 31st, Houts and Stratton.

A constitutional majority having voted aye so the Bill passed.

The title was agreed to.

House Bill No. 193, "An act to appropriate certain moneys in Morris county,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 45, noes 2.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Cleavinger, Craig, Deitrick, Draper, Finn, Foster, Glick of the 6th, Goss, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Karr, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Riddle, Rice, Russell, Salisbury, Scudder, Smith, Spencer, Snyder, Sutherland, Storch, Stafford, Swift, Throckmorton, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Glick of the 31st and Stratton.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Joint Resolution No. 4, was

Read third time

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 42, noes 4.

Those gentlemen voting aye, were—

Messrs. Abrrham, Atwood, Benton, Broadhead, Campbell of the 33d, Campbell of the 51st, Cavender, Cleavinger, Craig, Deitrick, Draper, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Gess, Hanway, Harvey, Hodgson, Hughes, Karr, Loomis, Macdonald, Moody, O'Brien, Payne, Riddle, Rice, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Stratton, Swift, and Mr. Speaker.

A constitutional majority having voted aye, so the bill passed.

The title was agreed to.

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 13, 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Benton, Browne, Campbell of the 33d, Craig, Draper, Fairchild, Finn, Foster, Fletcher, Griswold, Hughes, Kennedy of the 36th, Leland, Leonard, Macdonald, Morrow, O'Brien, Riddle, Rogers, Stratton, Strong, Stewart and Swift.

Prayer by the Rev. Mr. Hawley.

Leave of absence was granted Messrs. Wells and Throckmorton.

Mr. Glick of the 6th, moved that the Sergeant-at-Arms be instructed to furnish stationery for the use of the House the balance of the session.

Carried.

Message from the Senate :

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed Senate Bill No. 83, "An act in relation to wills," and desire your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

On motion of Mr. Glick of the 6th, the rules were suspended, and Senate Bill No. 83,

Read second time.

Mr. Glick of the 6th, moved that the rules be suspended, the Bill considered engrossed, and ordered to a third reading now.

Carried.

Senate Bill No. 83, "An act relating to wills, and to repeal all former acts relating thereto,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 53, noes, 9.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Broadhead, Callen, Campbell of the 33d, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Deitrick, Dutton, Dillie, Draper, Finn, Foster, Glick of the 6th, Gwartney, Hanway, Harvey, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Seadder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Strong, Stewart, Swift and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Browne, Campbell of the 51st, Darby, Griswold, Kohler, Page, Stratton, and West.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Coffinberry, from Committee on Engrossed Bills, made the following reports:

MR. SPEAKER:—The Committee on Engrossed Bills, beg leave to report that they have examined House Bills Nos. 76, 137, 192, 176 and 152, and find the same correctly engrossed.

C. C. COFFINBERRY,
Chairman.

MR. SPEAKER:—Your Committee on Engrossed Bills, have examined Senate Bill No. 45, and find the same correctly engrossed.

C. C. COFFINBERRY,

Chairman.

House Bill No. 191, "An act relating to the assessment and collection of taxes,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 48, noes 15:

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Breadhead, Campbell of the 33d, Cavender, Christy, Cook, Coffinberry, Craig, Darby, Deitrick, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hodgson, Jordon, Kennedy of the 26th, Leland, Leonard, Loomis, Maedonald, Martindale, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Smith, Spencer, Snyder, Storch, Stratton, Strong, Stewart, Swift and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Browne, Callen, Campbell of the 51st, Church, Dutton, Houts, Hughes, Karr, Kohler, McLellan, Salisbury, Scudder, Shepherd, Sutherland and West.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Browne entered the following protest:

The undersigned respectfully protests against House Bill No 191, "An act supplemental to an act to provide for the assessment and collection of taxes."

When the Bill was introduced, read a first and second time and referred to the Committee on Ways and Means, it was a blank sheet, it was of necessity read by its title. Aside from the title and enacting clause, it contained two words and one figure: "Section 1st That." Ominous words!

As it came from the Committee, full grown, like Minerva from the brain of Jove, it contained thirty-six sections, some of which are as long as a patent sermon.

The animating principle of the Bill is, in the opinion of the undersigned, *hostility to the people*.

In the second section, the moral impossibility is attempted of imposing a tax on unexecuted intentions.

By the twentieth section, in the original Bill, the County Clerk is authorized to raise the valuation of real property as returned by the Assessor, without giving the aggrieved party the right to appeal from the arbitrary action of a mischievous Clerk.

Under section twenty-two of the original Bill, personal property in California, to the amount of one thousand dollars, which is absolutely exempt from taxation in that State, may be taxed in this State. Will the Legislature of Kansas nationalize their infamy by extending their Briarian hands beyond their jurisdiction, and fleching a tax on property exempted from taxation by the statutes of another State?

By section thirty, according to the original Bill, as printed and laid on the desks of members, and as published in the *State Record* of February 9th, 1865, an attempt was made to wrench from the grasp of the people, the right of suffrage.

According to the old law, the owners of property was entitled, on demand, to a copy of the assessment thereof, and a copy of the assessment when made in the absence of the owner, was required to be left with some member of the family. This is repealed by the present Bill. Why is this? *Hostility to the people*.

Section fifteen, Article second of the Constitution of Kansas, ordains that "the reading of the bill by section, on its final passage, shall in no case be dispensed with." This bulwark of freedom was demolished at midnight, amid the orgies of bacchanalian revelry.

While the Bill was being read a third time on Saturday evening last by two members of the House, acting alternately as temporary clerks, the Assistant Clerk read the other Bills at length, and called for the ayes and noes on their final passage. Members answered as their names were called, explained their votes, and rendered night hideous with applause. One member moved that the House unite in prayer. Another suggested that the sexton dig a mammoth grave. The plot thickened. At one moment nearly half of the members present were standing in front of the speaker demanding to be heard, while shouts of triumph, yells of pain and grunts of fury, commingled in one tumultuous clamor. Amid such scenes the clock struck twelve, and ushered in the Sabbath morning.

It has been said on the floor of the House, that this Bill was prepared after consultation with men high in position and learned in the law. This is believed to be a slander. But be that as it may, the Bill is the reputed offspring and pet of a secret caucus.

When good men associate they meet in open day; when bad men combine they turn the key of secrecy. Masons and Odd Fellows trace their history amid monuments and mementoes to remote antiquity. They are benevolent associations, and have preserved their purity through all revolutions by keeping aloof from politics. The Union League had its origin in a military necessity. Like the Covenanters of Scotland and Huguenots of France, the loyal men of the border States were compelled to meet in secrecy. The Union League, the order of Odd Fellows, and the Brotherhood of Masons had a holy origin. But what shall be said of the bastard political caucuses that disgrace civilization. Where is Venice with her bridge of sighs, and her Council of Ten? Amid the gloomy conclave sat the titled murderers of a secret tribunal. Under their domination, national liberty drooped, and personal freedom was buried beneath the waves of the Adriatic.

I am content. Others can take their own course. They are at

liberty to pursue their tendency as fast as the genius of gravitation can carry them. Let us part in peace. In a few more days the places in this House that now know us, will know us no more forever.

O. H. BROWNE.

House Bill No. 176, "An act to amend an act entitled an act to establish the code of civil procedure,"

Read third time.

The question being, shall the Bill pass?

The ayes and nays being called, resulted as follows: Ayes 59, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell, of the 33d, Campbell, of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Fairchild, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Leonard, Macdonald, Martindale, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder. Smith, Spencer, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 45, "An act for the payment of the teachers and professors of the State Normal School, and the State Agricultural College,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 53, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Fairchild, Finn, Griswold, Gwartney, Hanway, Harvey, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Payne, Riddle, Rice, Rogers, Russell, Sammons, Salisbury, Scudder, Spencer, Snyder, Sutherland, Stratton, Strong, Stewart, Swift, West and Mr. Speaker.

Mr. Rawlings voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 192, "An act concerning the boarding of prisoners,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 13, noes 45.

Those gentlemen voting aye, were—

Messrs. Benton, Browne, Christy, Church, Draper, Glick of the 31st, Griswold, Houts, Karr, McLellan, Rice, Scudder and Swift.

Those gentlemen voting no, were—

Messrs. Abraham, Atwood, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Foster, Glick of the 6th, Gwartney, Hanway, Harvey, Hodgson, Hughes, Jordon, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Moody, O'Brien, Payne, Rawlings,

Riddle, Rogers, Russell, Sammons, Salisbury, Shepherd, Smith, Snyder, Sutherland, Storeh, Strong, Stewart and West.

A constitutional majority not having voted aye, the Bill was lost.

Mr. Broadhead moved a reconsideration of the vote by which House Bill No. 192 was ordered to a third reading.

Mr. Russell moved that the motion to reconsider be laid on the table.

Carried.

Mr. Rice, from Committee on Enrolled Bills, made the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills have examined House Bill No. 128, "An act to provide for transcribing certain records."

Also House Bill No. 64, "An act to amend an act to provide for the protection of game," approved May 10th, 1861.

Also House Bill No. 95, "An act to define the southern boundary of Allen county."

Also House Bill No. 138, "An act to vacate certain streets and alleys," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE.

Chairman.

House Bill No. 76, "An act to amend an act entitled an act to regulate elections and prescribe the qualifications. and to prevent illegal voting," approved May 23d, 1863,

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 60,
noes none

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Foster, Glick of the 6th, Glick of the 31st, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, and West.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 162, "An act regulating Transportation and Express companies,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 56, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Glick of the 6th, Glick of the 31st, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was amended and agreed to.

Senate Bill No. 25, "An act defining the boundary line of Washington county,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called resulted as follows: Ayes 54, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dillie, Draper, Glick of the 6th, Glick of the 31st, Gwartney, Hanway, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Köhler, Leland, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Payne, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 137, "An act to provide for the collection of the delinquent taxes of the city of Topeka,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 50, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 51st, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dillie, Draper, Glick of the 6th, Glick of the 31st, Hanway, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Köhler, Leland, Loomis, Macdonald, Martindale, McLellan, McLellan, Moody, O'Brien, Page, Payne, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Stratton, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

John Mills, was sworn in as Assistant Engrossing Clerk.

The House adjourned.

AFTERNOON SESSION.

2 o'clock P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Leave of absence was granted Mr. Kennedy of the 26th, for the balance of the session.

Senate Bill No. 29, "An act to encourage the growth of forest trees,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 53, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Breadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Church, Coffinberry, Darby,

Deitrick, Dutton, Dillie, Draper, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Houts, Hodgson, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Martindale, McLellan, O'Brien, Page, Payne, Rawlings, Riddle, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Strong, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Coffinberry, from Committee on Engrossed Bills, made the following report :

MR. SPEAKER :—Your Committee on Engrossed Bills, have examined Senate Bills No. 7, (substitute) and find the same correctly engrossed.

C. C. COFFINBERRY,

Chairman pro. tem.

House Bill No. 204, " An act declaring certain Territorial bonds Territorial warrants,"

Read third time.

The question being, shall the Bill pass.

The ayes and noes being called, resulted as follows : Ayes 54, noes none.

These gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Browne, Broadhead, Callen, Campbell of the 51st, Cavender, Church, Cook, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Finn, Foster, Fletcher, Glick of the 6th, Goss, Griswold, Hanway, Harvey, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Russell, Salisbury, Scudder, Shepherd, Smith, Spencer, Sutherland, Stratton, Strong, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 7, "An act to provide for the taking of the enumeration of the State of Kansas."

Read third time.

The question being "shall the Bill pass?"

The ayes and noes being called, resulted as follows: Ayes 62, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Houts, Hodgson, Jorden, Karr, Kennedy of the 36th, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, MacDonald, Martindale, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Sutherland, Storch, Stratton, Strong, Stewart, Swift and Mr Speaker.

Mr. West voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to, as amended.

Mr. West from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, beg leave to report that they have examined House Bills Nos. 153 and 146, and find them correctly enrolled;

A. G. WEST,

Chairman pro. tem.

Mr. Leonard, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills have examined House Bill No. 161, and find the same correctly engrossed.

M. R. LEONARD,

Chairman pro. tem.

House Bills No. 161, "An act to locate certain roads,"

Read third time.

The question being "shall the Bill pass?"

The ayes and noes being called, resulted as follows: Ayes 53, noes 6.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Rogers, Russell, Sammons, Salisbury, Shepherd, Smith, Spencer, Snyder, Sutherland, Stratton, Strong, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Riddle, Russell, Scudder, Storch, Stewart, and Swift.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

The following messages from the Senate were taken up:

MR. SPEAKER:—I am directed to inform the House of Representatives that the Senate have passed Senate Bill No. 54, "An act to provide for the expenses of the militia, and for the payment of claims and damages arising out of the Price raid of 1864."

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER: The Senate have passed Senate Bill No. 84, "An act relating to the real estate of persons dying without heir or will," and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER :—The Senate have passed House Bills Nos. 193 and 194 ; also House Bill No. 29, amended by striking out the following sections : 24, 29, 32, 33, 34, 35, 36, 37 and 39, of Senate Engrossed Bill, and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Russell moved that the House concur in Senate amendments to House Bill No. 194.

The ayes and noes being called, resulted as follows : Ayes 62, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild-Finn, Glick of the 6th, Glick of the 31st, Goss, Griswold, Gwartney, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spence, Snyder, Sutherland, Storch, Strong, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, the amendments were concurred in.

MR. SPEAKER :—The Senate have instructed me to acquaint the House of Representatives of the passage of the following Resolution :

WHEREAS, Various Bills of local importance to the members of the Senate, and also other Bills of general importance have been lost and defeated in the House of Representatives, through the negligence, carelessness and disqualification of some of the Clerks of that body ; therefore be it

Resolved, That we call the attention of the Honorable House of

Representatives to these grievances, and respectfully ask that they adopt some measures that will remedy the flagrant and unjustifiable evil.

A. SMITH DEVENNEY,

Secretary of the Senate.

Senate Bill No. 54, "An act to provide for the expenses of the militia, and the payment of the claims and damages arising out of Price's raid of 1864,"

Read first time.

Senate Bill No. 84, "An act relating to the real estate of persons dying without heir or will,"

Read first time

Mr. Russell moved that the rules be suspended for second reading of Bills.

Carried.

Senate Bill No. 54, was read second time, and

Referred to Committee of the Whole.

Senate Bill No. 84, read second time, and

Referred to Committee on Judiciary.

Senate Bill No. 57, was read second time, and

Referred to Committee of the Whole.

Senate Substitute to House Bill No. 70, was non-concurred in by the House.

Senate Bill No. 69, was read second time, and

Referred to Committee of the Whole.

Senate Substitute for House Bill No. 115 was taken up.

Mr. Broadhead moved that the House non-concur in Senate Substitute.

Lost.

The question being, on motion to concur.

The ayes and nays being called, resulted as follows: Ayes 35, noes 31.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Campbell, of the 33d, Coffinberry, Craig, Dutton, Draper, Fairchild, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Houts, Hodgson, Hughes, Kennedy of the 36th, Leland, Macdonald, Martindale, O'Brien, Page, Payne, Riddle, Rogers. Scudder. Shepherd. Smith, Snyder, Storch,

Those gentlemen voting no. were—

Messrs. Broadhead, Browne, Callen, Campbell, of the 51st, Cavender, Christy, Cook, Darby, Deitrick, Dillie, Foster, Griswold, Gwartney, Hanway, Harvey, Jordon, Karr, Kohler, Leonard, Loomis, McLellan, Moody, Rawlings, Russell, Sammons, Salisbury Spencer, Sutherland, Strong, Stewart and Mr. Speaker. Stratton, Swift and West.

A constitutional majority not having voted aye, the motion to concur was lost.

Message from the Senate.

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives that the Senate have concurred in House amendments to Senate Bill No. 45, "An act for the payment of the teachers, &c., of the State Normal School."

A. SMITH DEVENNEY,

Secretary of the Senate.

Messages from the Governor :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 11th, 1865. }

To the House of Representatives :

I have approved House Bill No. 53, "An act to authorize the Commissioners of Morris county to provide for transcribing the records of the District Court" of said county.

House Bill No. 151, "An act locating a State road from Lawrence to Hiawatha."

House Bill No. 47, "An act to amend an act entitled an act to establish certain State roads."

House Bill No. 18, "An act to authorize Atchison and Jackson counties to issue bonds for the purpose of building two bridges."

House Bill No. 143, "An act to prevent the bringing of stock into the State, and to seize and condemn the same when brought into the State."

House Bill No. 63, "An act amending an act entitled an act providing for the removal of county seats, and the permanent location of the same," approved March 2d, 1863.

House Bill No. 141, "An act to define the western boundary line of Greenwood county."

House Bill No. 71, "An act to amend an act to establish a code of criminal procedure." S. J. CRAWFORD.

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 11th, 1865. }

To the House of Representatives :

I have approved House Bill No. 112, an act to amend an act entitled an act to establish a code of civil procedure."

House Bill No. 149, An act to authorize Atchison county to issue bonds to build a jail. S. J. CRAWFORD.

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 11th, 1865. }

To the House of Representatives :

I have approved House Bill No. 45, "An act concerning mutilated, lost and destroyed bonds and warrants.

House Bill No. 13, "An act to amend an act defining the powers and duties of certain State officers.

House Bill No. 58, "An act to regulate county affairs."

House Bill No. 165, "An act to amend an act entitled an act regulating enclosures," approved February 11th, 1859.

House Bill No. 121, "An act to protect the debts due to persons in volunteer service of the United States."

S. J. CRAWFORD.

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 13, 1865. }

To the House of Representatives :

I have approved House Bill No. 128, an act to provide for transcribing certain records."

House Bill No. 95, "An act defining the southern boundary of Allen county."

House Bill No. 64, "An act to vacate a certain road."

House Bill No. 138, "An act to vacate certain streets and alleys."

House Bill No. 167, "An act to amend an act to provide for the protection of game," approved May 14th, 1861.

S. J. CRAWFORD,

Mr. Fletcher introduced House Bill No. 205, "An act relating to the boundary line of Shawnee county,"

Read first time.

On motion of Mr. Fletcher, the rules were suspended, and House Bill No. 205,

Read second time.

Mr. Fletcher moved that the rules be suspended, and House Bill No. 205 considered engrossed, and ordered to a third reading now.

Carried.

House Bill No. 205, "An act relating to the boundary line of Shawnee county."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 10, noes 54.

Those gentlemen voting aye, were—

Messrs. Abraham, Fletcher, Glick of the 31st, Goss, Leland, Macdonald, Martindale, Rogers, Storch and Swift.

Those gentlemen voting no, were—

Messrs. Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Finn, Glick of the 6th, Griswold, Hanway, Harvey, Houts, Hodgson, Hughes, Jordon, Karr, Kennedy of 36th, Kohler, Leonard, Loomis, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Stratton, Stewart, West and Mr. Speaker.

A constitutional majority not having voted aye, the Bill was lost

By consent Mr. Houts offered the following Concurrent Resolution:

Resolved, By the House of Representatives, the Senate concurring, that the Secretary of State shall make the following disposition of the report of the Adjutant General of the State: Ten copies shall be placed in the State library, one copy given to each of the State officers, one copy shall be sent to each Adjutant General of the various States and Territories, two copies to the Adjutant General of the United States, five copies to the United States War Department, one copy to each of our Senators and Representative in Congress, two copies to the U. S. Congressional Library, two copies each to the Library of the University, Normal School, Agricultural College and Mercantile Library Association of Leavenworth; Adj. General's office of the State, ten copies; Quartermaster General's office, five copies; one copy to each newspaper in the State, one copy to be deposited and retained in the office of each County Clerk in the State, one copy to each Regiment or Battalion in the Volunteer and Militia service, and the remainder to be reserved in the office of the Secretary of State and sold for the sum of not less than five dollars per volume.

Mr. Broadhead moved that the Resolution be adopted.

Carried.

Mr. Broadhead moved that House Bill No. 203, be considered engrossed, and ordered to a third reading.

Carried.

Senate Bill No. 72, "An act to authorize the Board of County Commissioners of Bourbon county to issue bonds for the purpose of building a bridge across the Marmaton river,"

Read third time.

The question being "shall the Bill pass?"

The ayes and noes being called, resulted as follows: Ayes 56, noes 1.

Those gentlemen voting aye. were—

Messrs. Atwood, Benton, Broadhead, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Glick of the 6th, Goss, Griswold, Gwartney, Hanway, Harvey, Hodgson, Hughes, Jordon, Karr, Kennedy of the 26th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Rawlings, Riddle, Rogers, Russell, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, West and Mr. Speaker.

Mr. Abraham voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Strong moved that House Bills Nos. 110 and 134, be made the special order for to-morrow at 10 A. M.

Carried.

House Bill No. 203, "An act to amend an act entitled an act to incorporate cities of the State of Kansas," approved March 4th, 1864

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 61, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Goss, Griswold, Hanway, Harvey, Hodgson, Hughes, Jordon, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Rawlings, Riddle, Rogers, Russell, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stratton, Strong Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Strong introduced the following House Concurrent Resolution :

Resolved, By the House, the Senate concurring, that the wants of the public demand the establishment of a semi-weekly mail route from Neosho Falls, county seat of Woodson county, via Bath and Belmont in said county, and Sherman in Wilson county, to Syracuse the county seat thereof, a distance of forty two miles, and that postoffices be established in the two last named places.

Resolved, That a certified copy of the foregoing Resolution be furnished our Senators and Representative in Congress with a request that the subject be brought to the attention of the Postmaster General at an early day.

On motion the rules were suspended and the Resolution adopted.

Mr. Glick of the 6th, from Committee on Judiciary, made the following reports :

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 53, "An act to amend an act entitled an act respecting bonds, notes and bills of exchange," approved Feb. 2d, 1859, recommend that the same be passed with the following amendment: Insert after the word "act" in the first line, the following, An act respecting bonds, notes and bills of exchange," approved February 2d, 1859, and strike out the word "the" before the word act in the first line and insert "an" and strike out the words "above mentioned."

G. W. GLICK,
Chairman.

MR. SPEAKER:—Your Committee to whom was referred Senate Bill No. 84, entitled "An act relating to the real estate of persons dying without heir or will" have had the same under careful con-

sideration, and have the honor to report the same back and recommend its passage.

G. W. GLICK,

Chairman.

Mr. Glick of the 6th, moved that the rules be suspended, and Senate Bill No. 84. considered engrossed and ordered to a third reading.

Carried.

Senate Bill No. 84, "An act relating to the real estate of persons dying without heir or will,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 52, noes none.

Those gentlemen voting aye. were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 33d, Cavender, Christy, Church, Cook, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Foster, Fletcher, Glick of the 6th, Goss, Gwartney, Hanway, Harvey, Houts, Hodgson, Karr, Kennedy of the 36th, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Riddle, Rogers, Russell, Sammons, Seudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stratton, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Russell moved to adopt the report of the Judiciary Committee in reference to Senate Joint Resolution No. 8.

Carried.

Senate Joint Resolution No. 8, (substitute). "To settle a suit."

Read third time.

The question being, shall the Resolution pass?

The ayes and noes being called, resulted as follows: Ayes 52.
noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Callen, Campbell of the 33d, Campbell 51st, Cavender, Christy, Church, Cook, Craig, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Gwartney, Hanway, Harvey, Houts, Hodgson, Karr, Kennedy of the 36th, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Payne, Riddle, Rogers, Russell, Scudder, Shepherd, Spencer, Snyder, Sutherland, Stratton, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, so the Resolution passed.

The title was agreed to.

Mr. Page moved that the rules be suspended and House Bill No. 180. considered engrossed, and ordered to a third reading now.

Carried.

House Bill No. 180, "An act to vacate certain streets and alleys in Wilmington,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 47.
noes 1.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Craig, Deitrick,

Dutton, Dillie, Draper, Fairchild, Finn, Glick of the 6th, Gwartney, Hanway, Harvey, Houts, Hodgson, Jordon, Karr, Kennedy of the 36th, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, Moody, O'Brien, Page, Riddle, Rogers, Russell, Sammons, Scudder, Shepherd, Spencer, Snyder, Sutherland, Stratton, Stewart, Swift, West and Mr. Speaker.

Mr. Abraham voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Message from the Senate :

MR. SPEAKER: The Senate have passed Senate Concurrent Resolution, No. 46, and ask your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

Senate Bill No. 80, "An act to amend an act to encourage the manufacture of salt,"

Read first time.

Senate Bill No. 82, "An act to establish, Bridges over the Republican and Smoky Hill rivers,"

Read first time.

Senate Bill No. 77, "An act providing for the taking of stone and stone quarries for public use,"

Read first time.

Senate Joint Resolution No. 12, "Relating to interest on certain Territorial warrants,"

Read first time.

On motion of Mr. Russell, the rules were suspended, and Senate Bills Nos. 80, 82 and 77, and Senate Joint Resolution No. 12, read second time and referred to Committee of the Whole.

Mr. Russell moved that House Bill No. 166, and the Senate Bills read second time be made the special order for this evening at 7 o'clock.

Carried.

Mr. Broadhead moved that Senate Bill No. 44 be considered engrossed and ordered to a third reading now.

Carried.

Senate Bill No. 44, "An act to legalize the action of the County Clerk, Board of County Commissioners and Treasurer of the county of Linn,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 42, noes, 2.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Craig, Draper, Fairchild, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Harvey, Houts, Hodgson, Karr, Kennedy 36th, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, O'Brien, Page, Payne, Riddle, Rogers, Russell, Seadder, Shepherd, Spencer, Snyder, Sutherland, Stewart, Swift, Throckmorton and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Finn and Sammons.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

House Bill No. 173, "An act supplemental to an act to incor-

porate cities of the State of Kansas," approved March 4, 1864,"

Read third time.

The question being, shall the Bill pass.

The ayes and noes being called, resulted as follows: Ayes 41, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Broadhead, Campbell of the 51st, Christy, Church, Craig, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Harvey, Houts, Hodgson, Karr, Kennedy of the 36th, Leland, Leonard, Loomis, Macdonald, Martindale, McLellan, O'Brien, Payne, Riddle, Rogers, Russell, Sammons, Scudder, Shepherd, Smith, Spencer, Sutherland, Stewart, Swift, West and Mr. Speaker.

Mr. Draper voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

The Sergeant-at-Arms was instructed to bring in absentees.

Mr. West, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, respectfully report that they have examined House Bill No. 193, entitled "An act to appropriate dram shop, tavern and grocery licenses in Morris county, to school purposes," and find the same correctly enrolled.

A. G. WEST,

Chairman pro tem.

Senate Concurrent Resolution No. 46, relating to W. G. Coffin, Indian Superintendent, was taken up.

The question being, shall the Resolution pass?

The ayes and noes being called, resulted as follows: Ayes 36 noes 2.

Those gentlemen voting aye, were—

Messrs. Atwood, Benton, Broadhead, Browne, Campbell of the 33d, Campbell of the 51st, Christy, Church, Craig, Draper, Fairchild, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Harvey, Houts, Hodgson, Kennedy of the 36th, Leland, Leonard, Loomis, Martindale, O'Brien, Payne, Riddle, Rogers, Russell, Scudder, Spencer, Snyder, Sutherland, Stewart, Swift, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Macdonald and Smith.

A majority having voted aye, the Resolution was adopted.

The House adjourned.

EVENING SESSION.

7:30 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Broadhead moved the adoption of Senate Concurrent Resolution No. 35, asking Congress to remove the restrictions from the sale of Indian Lands.

Carried.

Senate Concurrent Resolution No. 41 was taken up, and on motion of Mr. Broadhead adopted.

On motion, the House resolved itself into Committee of the Whole for consideration of special orders.

Mr. Russell in the chair.

After some time spent therein, the Committee arose, and through its chairman reported back Senate Substitute for House Bill No. 166, "To provide for the expenses of the militia and the payment of claims and damages arising out of Price's raid in 1864," with amendments, and recommended its passage as amended.

Senate Bill No. 40, "An act to provide for the erection of Capitol Buildings and making appropriations therefor," and recommended that the enacting clause be stricken out.

Senate Bill No. 46, "Defining the western line of Lyon county," and recommended that the enacting clause be stricken out.

Senate Bill No. 32, "An act to amend the law in regard to binding Laws, Journals and Public Documents," and recommended its passage.

Senate Bill No. 41, "An act amending an act establishing a code of civil procedure," and recommended its rejection.

Senate Bill No. 50, "To prevent swine running at large in Shannon Township, Atchison county," with amendments, and recommended its passage as amended.

Senate Bill No. 42, "An act to create and regulate macadamized and plank roads," with amendments, and recommended its passage as amended.

Senate Bill No. 53, "An act amending the laws in relation to notes, and bills of exchange," and recommended its passage.

Senate Bill No. 77, "An act to provide for the taking of stone and stone quarries for public use," and recommended its passage.

And reported progress on Senate Bill No. 68, "An act to amend the city charter of the city of Atchison, so as to provide for schools."

The report of the Committee was agreed to.

Mr. Russell moved that Senate Bill No. 42, be considered engrossed and ordered to a third reading.

Carried.

Mr. West, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, respectfully report that they have this day presented to the Governor, for his approval, House Bills Nos. 153, 146 and 193.

A. G. WEST,
Chairman pro. tem.

The following messages from the Senate were taken up:

MR. SPEAKER:—The Senate have passed House Bills Nos. 137 and 123.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—The Senate have passed House Substitute for Senate Bill No. 7; also House Bill No. 161, with this amendment: Strike out of the 14th road, these words, "by way of Livingston, on the Wakarusa"; also passed House Concurrent Resolutions Nos. 26 and 27.

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Russell moved that the House concur in Senate amendment to House Bill No. 161.

The ayes and noes being called, resulted as follows: Ayes 40, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Atwood, Benton, Broadhead, Browne, Callen,

Campbell of the 33d, Campbell of the 51st, Church, Cook, Craig, Deitrick, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Gwartney, Hanway, Houts, Hughes, Jordon, Karr, Kennedy of the 36th, Kohler, Loomis, Martindale, O'Brien, Page, Payne, Riddle, Russell, Scudder, Smith, Spencer, Snyder, Sutherland, Stratton, West and Mr. Speaker.

Mr. Harvey voted no.

A constitutional majority having voted aye, the amendment was concurred in.

Messages from the Senate:

MR. SPEAKER:—The Senate have passed Senate Concurrent Resolution No. 47. and desire your concurrence.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—The Senate have passed House Bills Nos. 162 and 170.

A. SMITH DEVENNEY,
Secretary of the Senate.

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 14, 1865. 9 O'CLOCK. A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Benton, Cavender, Cook, Cleavinger, Craig, Darby, Deitrick, Finn, Fletcher, Glick of the 6th, Hughes, Jordon, Lowe, Macdonald, Perry, Rice, Stratton and Swift.

Prayer by the Rev. Mr. McVicar.

Mr. Russell moved to dispense with the reading of the Journal and proceed with Bills on third reading.

Carried.

Senate Bill No. 32. was read third time.

The question being — shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 51, noes none.

Those gentlemen voting aye. were—

Messrs. Abraham, Atwood, Benton, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Darby, Deitrick, Dillie, Draper, Fairchild, Finn, Fletcher, Goss, Griswold, Hanway, Harvey, Hodgson, Karr, Kohler, Leland, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Strong, Stewart, Wells and West.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 42, was read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 54, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Strong, Stewart, Wells West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Coffinberry, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER :—Your Committee have had under consideration Substitute for Senate Bill No. 54, and find it correctly engrossed.

C. C. COFFINBERRY,
Chairman pro. tem.

Senate Bill No. 50, "An act to prevent swine running at large in certain cities and towns,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 53, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Browne, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cleavinger, Cook, Coffinberry, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Strong, Stewart, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 53, "An act to amend an act respecting bonds, notes and bills of exchange," approved February 2d, 1859,

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called resulted as follows: Ayes 52, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Glick of the 31st, Goss, Griswold, Hanway, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Strong, Stewart, West and Mr. Speaker.

A constitutional majority having voted aye so the Bill passed.

The title was agreed to.

Senate Bill No. 77, "An act to provide for the taking of stone and stone quarries."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 49, noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell, of the 33d, Campbell, of the 51st, Cavender, Christy, Church, Cook, Deitrick, Dutton, Draper, Fairchild, Fletcher, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings, Riddle, Rogers, Russell, Salisbury, Scudder, Shepherd, Snyder, Sutherland, Storch, Strong, Stewart, Wells and Mr. Speaker.

Mr. McLellan voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Bill No. 54, "An act to provide for the expenses of the militia, and the payment of the claims and damages arising out of Price's raid of 1864,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 47, noes 9.

Those gentlemen voting aye, were—

Messrs. Broadhead, Browne, Callen, Campbell 51st, Cavender, Christy, Church, Coffinberry, Deitrick, Dutton, Draper, Fairchild, Finn, Fletcher, Goss, Griswold, Hanway, Harvey, Houts, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Rawlings, Riddle, Russell, Sammons, Salisbury, Scudder, Shepherd, Sutherland, Storch, Strong, Stewart, Swift, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Benton, Campbell of the 33d, Dillie, Glick of the 31st, Hodgson, Rogers, Stratton and Wells.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

The following messages from the Senate were taken up:

MR. SPEAKER:—I am directed by the Senate to inform you that the Senate have passed House Bills Nos. 203 and 76.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed to inform you that the Senate have passed Senate Bill No. 85, "An act amending an act in relation to the incorporation of railroad companies, and desire your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

Senate Bill No. 85, "An act to provide for the incorporation and regulation of railroad companies,"

Read first time.

Mr. Russell moved the rules be suspended and Senate Bill No. 85, be read second time.

Carried.

Senate Bill No. 85 was read a second time, and

Referred to Committee of the Whole.

Message from the Senate:

MR. SPEAKER:—The Senate have passed House rule for Senate Joint Resolution, No 8, relating to the proposition of Dutton and sureties, and it has been placed in the hands of the Enrolling Clerk of the Senate. The Senate have also passed Senate Joint Resolution, No. 14, "In relation to repairing buildings acquired by the Legislature," and desire your concurrence therein.

A. SMITH DEVENNEY,
Secretary of the Senate.

Senate Joint Resolution No. 14, "In relation to repairing the roof of the State buildings."

Mr. Russell moved the rules be suspended for second reading of Senate Joint Resolution No. 14.

Carried.

Senate Joint Resolution No. 14 was read second time.

Mr. Broadhead moved Senate Joint Resolution No. 14, be considered engrossed and put upon its third reading now.

Carried.

Senate Joint Resolution No. 14, "In relation to repairing the State buildings,"

Read third time.

The question being, shall the Resolution pass?

The ayes and noes being called, resulted as follows: Ayes 33, noes 17.

Those gentlemen voting aye, were—

Messrs. Broadhead, Browne, Callen, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Coffinberry, Darby, Deitrick, Dutton, Draper, Fairchild, Goss, Harvey, Houts, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Morrow, McLellan, Moody, Page, Rawlings, Riddle, Rogers, Russell, Shepherd, Sutherland, Storch, Strong, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Benton, Craig, Dillie, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Hodgson, Loomis, Macdonald, Martindale, Sammons, Stratton, Stewart and Swift.

A constitutional majority having voted aye, so the Resolution passed.

The title was agreed to.

Mr. Page moved that Senate Bill No. 85, be considered engrossed and put upon its third reading.

Carried.

Senate Bill No. 85, "Relating to the incorporation of railroad companies,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 55, noes, 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Callen, Campbell of the 51st, Cavender, Christy, Cook, Coffinberry, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Glick of the 6th, Glick of the 31st, Griswold, Hanway, Harvey, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, O'Brien, Page, Payne, Rawlings,

Riddle, Rogers, Russell, Scudder, Shepherd, Smith, Spencer, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, Wells and Mr. Speaker.

Mr. West voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

On motion, the House resolved itself into a Committee of the Whole for the consideration of special orders.

Mr. Page in the chair.

After some time spent therein the Committee arose, and through its chairman reported progress on House Bill No. 110, "An act to provide for the current expenses for the year 1865," and asked leave to sit again.

The following message from the Senate was taken up.

MR. SPEAKER: The Senate have concurred in House amendments to Senate Bill No. 50, and also concurred in House amendments to Senate Bill No. 42.

The Senate concurs in House amendments to substitute for Senate Bill No. 54, as follows:

Section 12, they non-concur in the amendments as to time, wherever the time stated in Senate Engrossed Bill has been stricken out and other time inserted by the House, the Senate non-concur.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Glick of the 6th, moved to recede from House amendments to Senate Bill No. 54.

The ayes and noes being called, resulted as follows: Ayes 51. noes 4.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Callen, Campbell of the 51st, Cavender, Church, Coffinberry, Craig, Darby, Deitrick, Dutton, Draper, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Goss, Hanway, Harvey, Honts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rogers, Russell, Salisbury, Scudder, Shepherd, Spencer, Sutherland, Storch, Strong, Stewart, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Campbell of the 33d, Dillie, Glick of the 31st, and Stratton.

So the motion to recede was carried.

Mr. Christy, from Committee on Enrolled Bills, made the following report :

MR. SPEAKER :—Your Committee on Enrolled Bills, have examined House Bill No. 194, "An act concerning district courts," and find the same correctly enrolled; also House Concurrent Resolution No. 26, and find the same correctly enrolled.

Also House Bill No. 203, "An act to amend an act entitled an act to incorporate cities of the State of Kansas," approved March 4th, 1862, and find the same correctly enrolled.

J. A. CHRISTY,
Chairman pro. tem.

On motion, House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

By consent, Mr. Glick of the 31st, offered the following resolution:

Resolved, By the House of Representatives, that the Sergeant-at-Arms be and is hereby directed to furnish each member of the House with one copy of the Annual State Register.

Laid over under the rules.

On motion, the House resolved itself into Committee of the Whole, for consideration of the special order.

After some time spent therein, the Committee arose and through its chairman, reported progress on House Bill No. 110, and asked leave to sit again.

Message from the Governor:

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 14th, 1865. }

Mr. Speaker and Gentlemen of the House of Representatives:

I have the honor to return herewith, Senate Joint Resolution No. 10, in reference to the State Penitentiary and other matters relating thereto, without approval.

The original contract entered into between the State and John McCarthy, contractor, was subsequently ratified by the Legislature

at its session in 1864, and the securities for the execution of the work specified in the contract were duly approved.

The work on the building was suspended during the summer of 1864, and the period agreed upon for the completion thereof passed before any part was sufficiently advanced to be of service to the State.

The securities are undoubtedly responsible for the execution of the contract entered into, but any alteration of the original undertaking affecting the time, manner and rate of compensation would undoubtedly be a waiver of all claim against the securities by reason of non-fulfillment of the contract, and a discharge from all responsibility for the future.

The State entered into the contract at what was understood to be liberal terms towards the contractor, expecting at the time set for the completion thereof, to reap the advantages hoped from the investment, but the State is still obliged to contract for the keeping of its convicts as heretofore.

I have no desire whatever that either contractor or securities should be dealt with otherwise than on the strict principle of justice, and it is my duty to see well to it that the same rule be made applicable to the interests of the State.

Is it policy to waive the failure on the contract—to augment the rates of payment, and relieve the securities from their obligation?

S. J. CRAWFORD.

Mr. West, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills report that they have examined House Bills Nos. 76 and 180, and find them correctly enrolled.

A. G. WEST,
Chairman pro tem.

Mr. Cavender offered the following resolution:

WHEREAS, The Senate have passed a resolution censuring the

Clerks of this House for dereliction of duty in matters about which that body has no knowledge; and

WHEREAS, Certain members of that body, governed by an unnecessary feeling of anxiety for their particular measures, are in the habit of handling Bills after they become the property of this House, and making unnecessary work for the Clerks; therefore

Resolved, That the House is capable of attending to any delinquencies that may occur on the part of it, clerical force.

Resolved, That whenever the Senate will designate any Bills which it believes the clerks of this House have lost, this body will investigate the matter, and if it finds that the suspicions of the Senate are not groundless; it will take measures to remedy the evil.

Mr. Houts moved that the Resolutions be laid on the table.

Lost.

Mr. Strong moved that the Resolution be adopted.

Carried.

Mr. West. from Committee on Enrolled Bills, made the following reports :

MR. SPEAKER:—Your Committee on Enrolled Bills, report that they have presented to the Governor for his signature, House Bills Nos. 203, 194, 180 and 76, this Tuesday, February 14th, 1865.

A. G. WEST.

Chairman pro. tem.

MR. SPEAKER:—Your Committee on Enrolled Bills, report that they have examined House Bills Nos. 123, 137 and 176, and find them correctly enrolled.

A. G. WEST.

Chairman pro. tem.

The House adjourned until 7 : 30 P. M.

EVENING SESSION.

7:30 o'clock, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Messrs. Moody, Macdonald and Scudder, were appointed additional Committee on Enrolled Bills.

By consent, Mr. Fairchild offered the following Concurrent Resolution:

Resolved. By the House of Representatives, the Senate concurring therein, that Rule 16 of Joint Rules of Senate and House of Representatives be hereby suspended.

By consent, Mr. Glick of the 6th, offered the following resolution, which was adopted:

Resolved, By the House of Representatives of the State of Kansas, that the thanks of this House and of the people of the State of Kansas, are justly due to Hon. Thomas Carney, late Governor of the State of Kansas, for the honest, faithful and impartial manner in which he discharged his executive duties.

Resolved, That the Clerk of this House is hereby directed to transmit to ex-Governor Carney a certified copy of these Resolutions.

On motion, the House resolved itself into Committee of the Whole, for the further consideration of House Bill No. 110.

After some time spent therein, the Committee arose, and through

its chairman reported back House Bill No. 110, unfinished for want of a quorum.

Mr. West, from Committee on Enrolled Bills, made the following reports :

MR. SPEAKER :—Your Committee on Enrolled Bills beg leave to report that they have examined House Bill No. 162, and find the same correctly enrolled.

A. G. WEST,

Chairman pro. tem.

MR. SPEAKER :—Your Committee on Enrolled Bills, have this day presented to the Governor for his approval, House Bills Nos. 123, 176, 170, 137 and 162.

A. G. WEST,

Chairman pro. tem..

The House adjourned.

MORNING SESSION.

TOPEKA, FEB. 15, 1865. 8 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Atwood, Benton, Cook, Cleavinger, Craig, Dillie, Finn, Foster, Glick of the 6th, Glick of the 31st, Gwartney, Hendricks, Jordon, Kennedy of the 26th, Leland, Lowe, Loomis, Martindale, Mead, McLellan, Moody, O'Brien, Perry, Rodgers, Salisbury, Smith, Spencer, Snyder, Sutherland, Stafford, Stewart and Throckmorton.

On motion, the House resolved itself into Committee of the Whole, for the further consideration of House Bill No. 110, "An act making appropriation for the current expenses for the year 1865."

After some time spent therein the Committee arose and through its chairman reported back House Bill No. 110, "An act to provide for the current expenses for the year 1865," and recommended its passage with amendments.

The report of the Committee was agreed to.

Mr. Fairchild moved that the rules be suspended and House Bill No. 110 be considered engrossed and put upon its third reading now.

Carried.

House Bill No. 110, "An act providing for the current expenses of the year 1865,"

Read third time.

The question being "shall the Bill pass?"

The ayes and noes being called, resulted as follows: Ayes 26, noes 33.

Those gentlemen voting aye, were—

Messrs. Abraham, Cavender, Church, Cook, Darby, Dutton, Dillie, Draper, Hanway, Harvey, Heuts, Karr, Kennedy of the 36th, Kohler, Leonard, Martindale, Morrow, Page, Rice, Sammons, Scudder, Stratton, Stewart, Swift, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Benton, Broadhead, Browae, Callen, Campbell of the 33d, Campbell of the 51st, Christy, Coffinberry, Cleavinger, Deitrick, Fairchild, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, Griswold, Hodgson, Loomis, Macdonald, McLellan, Moody, Payne,

Rawlings, Riddle, Russell, Salisbury, Shepherd, Snyder, Storch, Strong, and Wells.

A constitutional majority not having voted aye, so the motion was lost.

By consent, the following Concurrent Resolution was taken up and considered:

Resolved, By the Senate, the House concurring therein, that the resolution for a *sine die* adjournment of the two Houses is hereby rescinded, and that the two Houses adjourn on Tuesday, 21st, 1865 at 12 o'clock. M.

Message from the Senate:

MR. SPEAKER:—I am directed to inform the House that the Senate have concurred in House Concurrent Resolution No. 29, "Relating to Joint Rules," and have passed Senate Concurrent Resolution No. 50, "Relating to adjournment," and desire your concurrence therein.

W. S. NEWBERRY,

Assistant Secretary of the Senate.

Mr. Strong moved the rules be suspended that the Resolution may be considered now.

The ayes and noes being called, resulted as follows: Ayes 49, noes 13.

Those gentlemen voting aye, were—

Messrs. Broadhead, Browne, Campbell of the 51st, Cavender, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Griswold, Hanway, Harvey, Houts, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Page, Rawlings, Riddle, Rice, Russell, Sammons, Scudder, Spencer, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Callen, Campbell of the 33d, Church, Foster, Fletcher, Glick

of the 6th, Glick of the 31st, Goss, Moody, Payne, Rogers, Salisbury and Shepherd.

And so the motion to suspend the rules was carried.

Mr. Broadhead moved to adopt the Concurrent Resolution, and on that demanded the previous question.

The question being shall the main question be now put?

It was decided in the affirmative.

The question recurring upon the adoption of the Resolution.

The ayes and noes being called, resulted as follows: Ayes 40, noes 19.

Messrs. Abraham, Broadhead, Browne, Campbell, of the 51st, Cavender, Christy, Cook, Coffinberry, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Griswold, Hanway, Harvey, Houts, Hodgson, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Macdonald, Martindale, Morrow, Rawlings, Riddle, Sammons, Snyder, Storch, Strong, Stewart, Swift, Wells and West.

Those gentlemen voting no, were—

Messrs. Callen, Campbell, of the 33d, Church, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Goss, McLellan, Moody, Page, Payne, Rogers, Russell, Salisbury, Scudder, Spencer, Sutherland and Mr. Speaker.

So the Resolution was adopted.

Mr. Rice, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, have examined House Bill No. 29, "An act to create and regulate mechanical, manufacturing, mining and quarrying companies, and find

the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,
Chairman.

On motion, House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

By consent, Mr. Foster offered the following resolution:

Resolved, That the Sergeant-at-Arms be instructed to bring in all members absenting themselves from this House without leave.

On motion of Mr. Swift, the Resolution was laid upon the table.

On motion, the House resolved itself into a Committee of the whole for the consideration of House Bill No. 135, "An act to provide for revenue for the year 1865."

Mr. Glick of the 31st, in the chair.

After some time spent therein, the Committee arose and through its chairman reported back to the House, House Bill No. 135, "An act to provide for the revenue for the year 1865," and recommended its passage as amended.

On motion, the report of the Committee of the Whole was agreed to.

Mr. Rice, from Committee on Enrolled Bills, made the following report :

MR. SPEAKER:—Your Committee on Enrolled Bills, have examined House Bill No. 161, "An act to locate certain State roads," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

Mr. Broadhead moved that the rules be suspended, and House Bill No. 135 be considered engrossed and put upon its third reading now.

Carried.

House Bill No. 135, "An act to provide for the revenue of the year 1865,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 44, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Broadhead, Browne, Callen, Campbell of the 51st, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Dutton, Draper, Fairchild, Griswold, Hanway, Harvey, Houts, Hodgson, Karr, Kennedy, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Perry, Rawlings, Riddle, Rice, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Strong, Stewart, Swift, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the Bill passed:

The title was agreed to.

Mr. Callen moved that Senate Bill No. 82 be considered engrossed and ordered to third reading.

Carried.

Mr. Fairchild moved that Senate Bill No. 68. be considered engrossed and ordered to third reading.

Carried.

On motion House Bill No. 102. was considered engrossed and ordered to a third reading.

"An act to establish a bridge over the Republican and Smoky Hill river,"

Read third time.

By consent. Senate Bill No. 82 was withdrawn.

Mr. Fletcher moved the rules be suspended and House Bill No. 176 be considered engrossed and ordered to a third reading.

Carried.

House Bill No. 102, "An act defining the boundary line of Marion county."

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 46. noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Broadhead, Browne, Callen, Campbell of the 51st. Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Glick of the 31st, Griswold, Hanway, Harvey, Hodgson, Karr, Kennedy of the 36th, Kennedy of the 26th, Leland, Leonard, Loomis, Macdonald, Martindale, Rawlings, Rid-

die, Rice, Seudder, Shepherd, Spencer, Snyder, Sutherland, Strong, Stewart, Swift, Wells, West and Mr. Speaker.

A constitutional majority having voted aye so the Bill passed.

The title was agreed to.

Mr. Broadhead moved that Senate Joint Resolution No. 15, be taken up and read first time now.

Carried.

Message from the Senate:

MR. SPEAKER:—I am directed by the Senate to inform the House that the Senate have passed Senate Joint Resolution No. 15, "Relating to Mr. McCarthy and his contract for building the State Penitentiary.

W. S. NEWBERRY,

Assistant Secretary of the Senate.

Senate Joint Resolution No. 15. "To release Mr. McCarthy from his contract."

Read first time.

Mr. Broadhead moved the rules be suspended for second reading of Senate Joint Resolution No. 15.

Carried.

Senate Joint Resolution No. 15, was read second time, and

Referred to Committee on Public Institutions.

Mr. Fairchild moved that House Bill No. 200 be considered engrossed and put upon its third reading.

Carried.

House Bill No. 200, "An act in relation to coal,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 28, noes 18.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Church, Coffinberry, Cleavinger, Darby, Dutton, Dillie, Draper, Fairchild, Finn, Glick of the 31st, Heuts, Karr, Kennedy of the 36th, Kohler, Macdonald, Martindale, Rawlings, Riddle, Sammons, Scudder, Snyder, Sutherland, Storch, Strong, Stewart, Swift, and Wells.

Those gentlemen voting no, were—

Messrs. Broadhead, Browne, Callen, Campbell of the 31st, Christy, Cook, Cleavinger, Craig, Hanway Harvey, Hodgson, Leland, Leonard, Loomis, Morrow, McLellan, Shepherd and Spencer.

A constitutional majority not having voted aye, so the Bill was lost.

House Bill No. 179, "An act relating to the binding of the laws of both Houses of the Legislature and the volume of public documents,"

Read third time.

The question being, shall the Bill pass?

The ayes and noes being called, resulted as follows: Ayes 39, noes 6.

Those gentlemen voting aye, were—

Messrs. Broadhead, Browne, Callen, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Darby, Dutton, Dillie, Fairchild, Finn, Glick of the 31st, Hanway, Hodgson, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Macdonald, Martindale, Morrow, Rawlings, Riddle, Rice, Sammons, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stewart, Swift, Wells and West.

Those gentlemen voting no, were—

Messrs. Abraham, Campbell of the 61st, Craig, Draper, Loomis, and Strong.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Mr. Broadhead moved to re-consider the vote by which House Bill No. 110 was ordered to a third reading.

Carried.

Mr. Broadhead moved that House Bill No. 110 be referred to Committee on Ways and Means.

Carried.

Mr. Fairchild moved to adjourn.

Lost.

The following message from the Senate was taken up:

MR. SPEAKER:—The Senate have passed Senate substitute for House Bill No. 3, and request your concurrence therein, also passed the accompanying House Bill No. 176, "An act to amend the civil code."

A. SMITH DEVENNEY,

Secretary of the Senate.

The question being upon the motion to concur in Senate substitute to House Bill No. 3.

The ayes and noes being called, resulted as follows: Ayes 42, noes, none.

Those gentlemen voting aye. were—

Messrs. Benton, Broadhead, Browne, Callen, Campbell 51st, Cavender, Christy, Church, Cook, Coffinberry, Cleavinger, Craig, Darby, Dutton, Dillie, Draper, Fairchild, Finn, Fletcher, Glick of the 31st, Hanway, Hodgson, Karr, Kennedy of the 36th, Kohler, Leland, Loomis, Mac-

donald, Martindale, Morrow, Rawlings, Rice, Scudder, Spencer, Snyder, Sutherland, Storch, Strong, Stewart, Swift, West and Mr. Speaker.

A constitutional majority having voted aye, the Senate Substitute was concurred in.

Mr. West moved the House concur in Senate amendments to House Bill No. 177.

The ayes and noes being called, resulted as follows: Ayes 8, noes 35.

Those gentlemen voting aye, were—

Messrs. Campbell of the 51st, Cook, Cleavinger, Kennedy of the 36th, Leland, Strong, Stewart and West.

Those gentlemen voting no, were—

Messrs. Benton, Broadhead, Browne, Church, Callen, Cavender, Christy, Coffinberry, Craig, Darby, Dutton, Dillie, Draper, Finn, Fletcher, Glick of the 31st, Hanway, Karr, Leonard, Loomis, Macdonald, Martindale, Morrow, Rawlings, Riddle, Russell, Sammons, Scudder, Shepherd, Snyder, Sutherland, Storeh, Swift, and Wells.

A constitutional majority not having voted aye, so the amendments were lost.

Leave of absence was granted to Mr. Callen for the remainder of the session.

Leave of absence was granted Mr. Finn until Friday.

On motion, the House adjourned until to-morrow at 10 A. M.

MORNING SESSION.

TOPEKA, FEB. 16, 1865. 10 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Atwood, Calleo, Campbell of the 33d, Craig, Fairchild, Finn, Foster, Glick of the 6th, Glick of the 31st, Goss, Gwartney, Griswold, Hughes, Jordon, Kennedy of the 20th, Mead, O'Brien, Perry, Russell, Sammons, Salisbury, Shepherd, Smith, Stafford, Stratton and Swift.

Prayer by the Rev. Mr. Hawley.

Journal of Monday read and approved.

Message from the Senate:

MR. SPEAKER:—I am directed to inform you that the Senate have passed Senate Bill No. 86, "An act making appropriation for the expenses for the year 1865," and desire your concurrence therein.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Strong moved the rules be suspended, and Senate Bill No. 86, be read first time.

Carried.

Senate Bill No. 86, was read first time.

Mr. Broadhead moved the rules be suspended, and Senate Bill No. 86, read second time, and

Referred to Committee of the Whole.

Carried.

Mr. Page moved that Senate Bill No. 86, be ordered printed.

Carried.

Journal of Tuesday read and approved.

Journal of yesterday read and approved.

Mr. Macdonald, from Committee on Public Institutions, made the following report :

MR. SPEAKER:—Your Committee on Public Institutions to whom was referred Senate Joint Resolution No. 15, "To investigate the contract with John McCarthy for building Penitentiary," unanimously instruct me to report the same back and recommend its passage.

S. D. MACDONALD,

Chairman.

The following message from the Governor was taken up :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 14th, 1865. }

To the House of Representatives :

I have approved House Bill No. 153, "An act to vacate a certain alley in Cuddy's addition to Junction City."

House Bill No. 146, "An act to authorize Graded School District No. 1, in Morris county, to issue bonds to build a school house."

House Bill No. 198, "An act to appropriate dramshop, tavern and grocery license in Morris county to school purposes."

House Bill No. 194, "An act concerning District Courts."

House Bill No. 203, an act to amend an act entitled an act to incorporate cities of the State of Kansas," approved March 4th, 1865.

S. J. CRAWFORD,

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 15th, 1865. }

To the House of Representatives:

I have approved House Bill No. 176, "An act to amend an act entitled an act to establish a code of civil procedure,"

House Bill No. 180, "An act to vacate certain streets and alleys in Wilmington."

House Bill No. 123, "An act for the government and regulation of the State Insane Asylum."

House Bill No. 170, "An act to amend school laws."

House Bill No. 137 "An act to provide for the collection of the delinquent city tax of Topeka for the year 1862."

House Bill No. 162, "An act for the organization of transportation and express companies."

House Bill No. 76, "An act amending an act entitled an act to regulate elections and prescribe the qualifications of voters and to prevent illegal voting," approved May 23d, 1861.

House Bill No. 29, "An act to create and regulate mechanical, manufacturing, mining and quarrying companies."

S. J. CRAWFORD.

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 16. 1865. }

To the House of Representatives:

I have approved House Bill No. 161, "An act to establish certain roads."

House Bill No. 135, "An act to provide revenue for the year 1865."

S. J. CRAWFORD.

The following messages from the Senate were taken up:

MR. SPEAKER :—I am directed to inform the House of Repre-

representatives that the Senate have unanimously passed House Bill No. 135. "An act providing revenue for the year 1865."

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed to inform the House of Representatives that the Senate have passed House Bill No. 179, without amendments.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—The Senate have passed Senate Concurrent Resolution No. 48, "Relating to D. W. Boutwell," and desire your concurrence therein; also passed House Bill No. 180.

A. SMITH DEVENNEY,
Secretary of the Senate.

MR. SPEAKER:—I am directed to inform the House of Representatives that the Senate have passed the following Senate Concurrent Resolution No. 49, "Extending a vote of thanks to the Kansas soldiers," in which they respectfully solicit your concurrence.

A. SMITH DEVENNEY,
Secretary of the Senate.

Mr. Houts moved to adjourn until 2 P. M.

Lost.

Senate Concurrent Resolution No. 49, "A resolution of thanks to Kansas soldiers," was taken up, and

On motion, unanimously adopted.

Senate Concurrent Resolution No. 48, "Relating to D. W. Boutwell," was taken up, and

On motion, unanimously adopted.

The following House Concurrent Resolution was taken up and on motion adopted :

Resolved, By the House of Representatives, the Senate concurring, that the State Treasurer is hereby directed to receive from the County Treasurers on the State taxes all warrants drawn by the State Auditor on the State Treasurer, including all military warrants, issued for military claims during the year 1864, for which warrants have already been drawn.

Senate Concurrent Resolution No. 27, "Relating to making certain towns points on certain railroads was taken up, and

Referred to Committee on Railroads.

Senate Concurrent Resolution No. 39, "Relating to grants of land to disabled Kansas soldiers," was taken up and amended and adopted.

Mr. Houts moved to adjourn.

Lost.

Mr. Strong moved to make Senate Bill No. 86, special order for 2 P. M. to-day.

Mr. Russell moved to amend by making it special order for 3 P. M. to-day.

Lost.

The question recurring upon the original motion, was carried.

Mr. Broadhead moved the rules be suspended and Senate Joint Resolution No. 15, be taken up and read third time.

Carried.

Senate Joint Resolution No. 15, "To investigate the contract with McCarthy for building State Penitentiary,"

Read third time.

The question being, shall the Joint Resolution pass?

The ayes and noes being called, resulted as follows: Ayes 48, noes 3.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Dutton, Fairchild, Finn, Foster, Fletcher, Glick of the 31st, Griswold, Hanway, Hendricks, Hodgson, Hughes, Karr, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rogers, Russell, Sammons, Scudder, Shepherd, Spencer, Snyder, Sutherland, Stratton, Strong, Stewart and Swift.

Those gentlemen voting no, were—

Messrs. Storch, West and Mr. Speaker.

A constitutional majority having voted aye, so the Joint Resolution passed.

The title was agreed to.

On motion, House adjourned.

AFTERNOON SESSION.

2 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Mr. Page moved that the Sergeant-at-Arms be instructed to bring in absentees.

Carried.

By consent, Mr. Griswold offered the following resolution which was adopted :

Resolved, That in considering the general appropriation Bill in Committee of the Whole, no member shall speak longer than five minutes, nor more than twice upon one subject.

By consent Mr. Page offered the following resolution.:

Resolved, That the officers of this House be entitled to the same laws, journals and other books that have been voted to the members during the present session.

On motion, the resolution was laid upon the table.

Mr. Fairchild moved that Senate Bill No. 68, be taken up and put upon its third reading.

Carried.

Senate Bill No. 68, "An act to amend the city charter of the city of Atchison, so as to provide for schools,"

Read third time.

Mr. Martindale moved to re-consider the vote by which Senate Bill No. 68, was ordered to its third reading.

Lost.

By consent, the call of the roll on House Bill No. 68, was postponed.

On motion, the House resolved itself into a Committee of the Whole, for the consideration of special orders.

Mr. Page in the chair.

After some time spent therein the Committee arose and through its chairman reported back to the House Senate Bill No. 86, "An act making appropriation for the current expenses of the year 1865," reported progress and asked leave to sit again at 9 A. M. to-morrow.

Report of Committee was agreed to.

Mr. Rice, from Committee on Enrolled Bills, made the following report :

MR. SPEAKER:—The Committee on Enrolled Bills, have examined House Bill No. 135, "An act providing revenue for the year 1865," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,
Chairman.

Leave of absence was granted to Mr. Houts

On motion, House adjourned.

MORNING SESSION

TOPEKA, FEB. 17. 1865, 9 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Atwood, Callen, Campbell of the 33d. Cook, Coffinberry, Craig, Draper, Fairchild, Foster, Goss, Griswold,

Hughes, Leland, Lowe, Morrow, McLellan, Moody, O'Brien, Payne, Perry, Sammons, Salisbury, Scudder, Smith, Stafford and Stratton.

Prayer by Rev. Mr. Hawley.

Journal of yesterday read and approved.

On motion, the House resolved itself into Committee of the Whole, for further consideration of special orders.

Mr. Page in the chair.

After some time spent therein the Committee arose and through its chairman reported back to the House Senate Bill No. 86, "An act making appropriation for the current expenses of the year 1865," and recommended its passage as amended.

On motion, the report of the Committee was agreed to.

Mr. Rice, from Committee on Enrolled Bills, made the following report:

MR. SPEAKER:—Your Committee on Enrolled Bills, have examined House Bill No. 179, "An act to amend an act relating to the binding of the Laws and Journals of both Houses of the Legislature and volumes of Public Documents."

Also House Bill No. 102, "An act defining the boundary lines of Marion county," and find the same correctly enrolled, and have this day presented the same to the Governor for his signature.

H. RICE,
Chairman.

On motion, House adjourned.

AFTERNOON SESSION.

2 O'CLOCK P.^M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

By consent Mr. Spencer offered the following resolution, which was adopted :

Resolved, That the thanks of the House are due, and are hereby tendered to Hon. Jacob Stotler, for the able and impartial manner in which he has discharged his duties as Speaker of this House during the present session of the Legislature.

By consent, Mr. Benton offered the following resolution, which was adopted :

Resolved, That the thanks of the House are due D. B. Emmert, Chief Clerk, for the ability, efficiency, promptness and impartiality, with which he has discharged the duties of his office.

Mr. Glick of the 31st, called up Resolution, relating to the furnishing Kansas Annual Register to the members of the House.

On motion, it was amended by inserting "the officers."

Carried.

Mr. Russell moved to lay the Resolution on the table.

Lost.

The question recurring upon the adoption of the resolution.

The ayes and noes being called resulted as follows: Ayes 18, noes 38.

Those gentlemen voting aye, were—

Messrs. Browne, Campbell of the 33d, Campbell of the 51st, Dutton, Dillie, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Macdonald, Morrow, Moody, Scudder, Shepherd, Spencer, Stratton and Stewart.

Those gentlemen voting no were—

Messrs. Abraham, Benton, Broadhead, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Draper, Fairchild, Griswold, Hanway, Harvey, Houts, Hodgson, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Martindale, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Snyder, Sutherland, Storch, Swift, Wells, West and Mr. Speaker.

A majority not having voted aye, so the Resolution was lost.

Mr. Leonard, from Committee on Engrossed Bills, made the following report:

MR. SPEAKER:—Your Committee on Engrossed Bills have examined Senate Bill No. 86, "An act making appropriation for the current expenses, for the fiscal year ending November 30th, 1865," and find the same correctly engrossed.

M. R. LEONARD,
Chairman pro. tem.

Mr. Broadhead moved that Senate Bill No. 86, be taken up and put upon its third reading now.

Carried.

Senate Bill No. 86, "An act to provide for the current expenses for the fiscal year, 1865,"

Read third time.

The question being "shall the Bill pass?"

The ayes and noes being called, resulted as follows: Ayes 58.
noes 1.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Fletcher, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Payno, Rawlings, Riddle, Rice, Rogers, Russell, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, Wells, West and Mr. Speaker.

Mr. Glick of the 6th, voted no.

A constitutional majority having voted aye, so the Bill passed.

The title was agreed to.

Senate Concurrent Resolution, No. 44. "Relating to the volunteers of Shawnee county, Kansas," was taken up and considered, and on motion adopted.

By consent, Mr. Broadhead offered the following resolution, which was adopted:

Resolved, That the thanks of this House are extended to J. D. Farren, Sergeant-at-Arms; Thomas Archer, Assistant Sergeant-at-Arms; F. Bell, Assistant Clerk, John McReynolds, Docket Clerk; C. S. Lambdin, Journal Clerk; D. F. Drinkwater, Engrossing Clerk; J. E. Follansbee, Assistant Journal Clerk; M. B. Crawford, Doorkeeper; C. K. Prentiss, Assistant Doorkeeper; Col. Wm. Miller, Albert Bartlett and Wm. Griffith, Pages of this House, for the prompt discharge of their duties during the present session of the Legislature.

Mr. Rice offered the following resolution, which was adopted:

Resolved, That the thanks of this House are due John T. Cox, Enrolling Clerk, for the faithful and efficient manner in which he has performed the duties of his position.

Mr. Macdonald offered the following resolution, which was adopted:

Resolved, That the Chairman of the Judiciary Committee, is entitled to the thanks of the House, for the able and faithful manner in which he has performed the responsible duties of his position.

Mr. Broadhead offered the following resolution:

Resolved, By the House of Representatives of the State of Kansas, the Senate concurring therein, that the Legislature adjourn *sine die*, on the 18th day of February, 1865, at 9 o'clock A. M.

Laid over under the rules.

Mr. Leland offered the following resolution:

Resolved, That the thanks of this House are hereby tendered to Hon. N. Z. Strong, Chairman of Committee of Ways and Means, for the manner with which he has performed his arduous duties.

Mr. Russell offered the following amendment which was lost:

Resolved, That the thanks of this House be extended to all the members of this House and to the lobby who have so patiently listened to our debates.

The original Resolution was adopted:

Mr. Glick of the 31st, offered the following resolution, which was adopted:

Resolved, That the thanks of this House are hereby tendered to J. F. Cummings, Esq., for the faithful and impartial manner in which he has reported the proceedings of this body for the *Daily State Record*.

Mr. Martindale offered the following resolution :

Resolved, That the door-keeper and his assistant shall be allowed the sum of twenty dollars, extra pay, for services rendered in keeping the Hall open during night sessions.

Lost.

Mr. Cavender offered the following resolution, which was adopted :

Resolved, That the Secretary of State shall forward to each member of this House one copy of the Acts of 1865, and the Journals of both Houses and four copies of the Public Documents as soon as they are published.

Resolution relating to furnishing books to officers and clerks of the House of Representatives, was taken up.

Mr. Russell moved to lay the Resolution on the table.

Carried.

On motion, House adjourned.

EVENING SESSION.

7 O'CLOCK, P. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Message from the Senate :

MR. SPEAKER :—I am directed by the Senate to inform you that the Senate have respectfully non-concurred in certain House amendments to Senate Bill No. 86, and the Senate desires me to request the House to recede from its amendments as non-concurred in by the Senate as per printed and engrossed Senate Bill herewith transmitted.

A. SMITH DEVENNEY,

Secretary of the Senate.

The message from the Senate was taken up, and after duly considering amendments to Senate Bill No. 86 non-concurred in by the Senate, the House receded from those relating to the Law Library.

Mr. Russell moved a Committee of conference be appointed on the item relating to the Penitentiary appropriation.

Carried.

On motion, the item relating to payment of claims of militia previous to October, 1864, was

Referred to Committee of Conference.

Mr. Hodgson moved the House recede from its amendments on the account of S. W. Jones, for medical attendance on convicts.

The ayes and noes being called, resulted as follows: Ayes 43, noes 14.

Those gentlemen voting aye, were—

Messrs. Abraham, Broadhead, Browne, Campbell of the 51st, Candler, Church, Cleavinger, Craig, Darby, Deitrick, Dutton, Draper, Glick of the 6th, Griswold, Hanway, Hendricks, Heuts, Hodgson, Karr, Kennedy of the 36th, Kohler, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Payne, Rawlings, Riddle, Rice, Russell, Seadder, Shepherd, Spencer, Snyder, Sutherland, Stratton, Strong, Swift, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Benton, Campbell of the 33d, Dillie, Finn, Foster, Fletcher, Glick of the 31st, Harvey, Moody, Page, Rogers, Snyder, Storch and Stewart.

So the motion to recede carried.

Mr. Page moved to rescind the vote, by which the House receded from its amendments of Law Library.

Lost.

Mr. Broadhead moved to recede from House amendments to the item relating to printing, stitching and binding the Adjutant General's report.

The ayes and noes being called, resulted as follows: Ayes 46, noes 12.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Campbell of the 51st, Cavender, Christy, Church, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leonard, Macdonald, Martindale, Morrow, McLellan, Page, Rawlings, Riddle, Rice, Russell, Scudder, Shepherd, Spencer, Snyder, Sutherland, Storch, Strong, Stewart, Swift, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Campbell of the 33d, Finn, Foster, Fletcher, Glick of the 6th, Glick of the 31st, Leland, Lowe, Moody, Payne, Rogers, and Stratton.

A constitutional majority having voted aye so the House receded from its amendments.

The following message was received from the Senate:

MR. SPEAKER:—I am directed to inform the House of Representatives that the Senate have concurred in House amendments to Senate Concurrent Resolution No. 44.

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Russell moved to adhere to House amendments. relating to printing laws, journals and public documents.

The ayes and noes being called. resulted as follows: Ayes 15,
noes 40

Those gentlemen voting aye, were—

Messrs. Campbell of the 33d, Campbell of the 51st, Cleavinger, Deitrick, Finn, Foster, Fletcher, Glick of the 6th, Leland, Moody, Payne, Rawlings, Russell, Spencer and Stratton.

Those gentlemen voting no, were—

Messrs. Abraham, Benton, Broadhead, Browne, Cavender, Church, Darby, Dutton, Dillie, Draper, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Page, Rawlings, Riddle, Rice, Scudder, Snyder, Sutherland, Strong, Stewart, Swift, Wells, West and Mr. Speaker.

A constitutional majority not having voted aye, so the motion to adhere was lost.

The question being upon the motion to recede from its amendments.

The ayes and noes being called, resulted as follows: Ayes 42,
noes 13

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Browne, Campbell of the 51st, Cavender, Church, Cleavinger, Darby, Dutton, Dillie, Draper, Glick of the 31st, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Page, Payne, Rawlings, Riddle, Rice, Scudder, Snyder, Storch, Strong, Stewart, Swift, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Campbell of the 33d, Deitrick, Finn, Foster, Fletcher.

Glick of the 6th, Leland, Moody, Rogers, Russell, Spencer, Stratton and Wells.

A constitutional majority having voted aye, so the motion to recede carried.

Mr. Glick of the 31st moved to recede from House amendment to account of S. W. Jones for deficiency for the year 1863.

The ayes and noes being called, resulted as follows: Ayes 41, noes 16.

Those gentlemen voting aye, were—

Messrs. Broadhead, Browne, Campbell, of the 33d, Cavender, Church, Cleavinger, Craig, Darby, Dutton, Draper, Foster, Glick of the 31st, Goss, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kohler, Loomis, Macdonald, Martindale, McLellan, Rawlings, Riddle, Rice, Rogers, Scudder, Shepherd, Spencer, Sutherland, Storch, Stratton, Strong, Stewart, Swift, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Benton, Campbell, of the 51st, Deitrick, Finn, Fletcher, Glick of the 6th, Kennedy of the 36th, Leland, Leonard, Moody, Page, Payne, Russell and Snyder.

A constitutional majority having voted aye, so the motion to recede carried.

Mr. Broadhead moved to recede from House amendment, "Relating to reimbursement of clerk hire to State Treasurer for 1864."

The ayes and noes being called, resulted as follows: Ayes 43, noes 13.

Those gentlemen voting aye, were—

Messrs. Abraham, Broadhead, Browne, Campbell of the 51st, Cavender, Church, Cleavinger, Craig, Darby, Dutton, Finn, Foster, Fletcher,

Glick of the 6th, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Kohler, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Rawlings, Riddle, Rice, Rogers, Scudder, Spencer, Sutherland, Stratton, Strong, Swift, Wells, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Benton, Campbell of the 33d, Deitrick, Draper, Glick of the 31st, Leland, Moody, Page, Russell, Shepherd, Snyder, Storch and Stewart.

A constitutional majority having voted aye, so the House receded from its amendment.

On motion to recede from House amendment, "Making addition to Law Library,"

The ayes and noes being called, resulted as follows: Ayes 35, noes 17.

Those gentlemen voting aye, were—

Messrs. Broadhead, Browne, Campbell, of the 33d, Campbell of the 51st, Church, Cleavinger, Craig, Darby, Dutton, Finn, Fletcher, Glick of the 6th, Griswold, Hanway, Harvey, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Loomis, Macdonald, Morrow, Moody, Riddle, Rice, Rogers, Russell, Scudder, Shepherd, Spencer, Stratton, Strong, Swift and West.

Those gentlemen voting no, were—

Messrs. Abraham, Benton, Deitrick, Dillie, Draper, Glick of the 31st, Hendricks, Leland, Leonard, Martindale, McLellan, Page, Rawlings, Snyder, Sutherland, Storch and Stewart.

A constitutional majority not having voted aye, so the motion to recede was lost.

The Speaker appointed as Committee of Conference on the part of the House to confer with the like Committee on the part of the Senate, Messrs. Russell, Page, Swift, Harvey and Spencer.

On motion, House adjourned until to-morrow, 9:30 A. M.

MORNING SESSION.

TOPEKA, FEB. 18, 1865, 9:30 O'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

Quorum present.

Absentees—Messrs. Atwood, Callen, Coffinberry, Cleavinger, Glick of the 6th, Glick of the 31st, Goss, Gwartney, Harvey, Karr, Kennedy of the 26th, Kohler, McLellan, Page, Perry, Riddle, Sammons, Salisbury, Smith, Spencer, Sutherland, Stafford, Stratton, Strong and Swift.

Prayer by the Rev. Mr. De Fouri.

Journal of yesterday read and approved.

Mr. Darby offered the following resolution, which was adopted.

Resolved, That the thanks of this House are due to the clergymen of this city for their valuable instructions during the present session of the Legislature.

Mr. Russell moved the House take a recess of thirty minutes.

Lost.

Mr. Russell moved to adjourn till 11 A. M.

Lost.

A call of the House was ordered.

Mr. Foster moved that further proceedings under the call be dispensed with.

Lost.

Mr. Foster moved that further proceedings under the call be dispensed with.

Carried.

On motion of Mr. Storch, Senate Bill No. 86, "Concerning the city charter of Atchison city," was taken up.

The ayes and noes being called, resulted as follows: Ayes 34, noes 10.

Those gentlemen voting aye, were—

Messrs. Benton, Browne, Campbell of the 51st, Cavender, Cook, Cleavinger, Craig, Darby, Dutton, Draper, Fairchild, Griswold, Hanway, Harvey, Hendricks, Houts, Hughes, Karr, Kennedy of the 36th, Leland, Leonard, Macdonald, Morrow, McLellan, Page, Riddle, Rice, Scadder, Storch, Strong, Stewart, Swift, West and Mr. Speaker.

Those gentlemen voting no, were—

Messrs. Abraham, Broadhead, Campbell of the 33d, Christy, Finn, Fletcher, Hodgson, Payne, Russell, and Shepherd.

A constitutional majority not having voted aye, so the Bill was lost.

Message from the Senate:

MR. SPEAKER:—I am directed by the Senate to inform the House of Representatives, that the Senate have unanimously adopted the report of the Committee on Conference, in relation to the amendments to Senate Bill No. 86, "An act making appropriations &c."

A. SMITH DEVENNEY,

Secretary of the Senate.

By consent, Mr. Russell offered the following resolution, which was adopted:

Resolved, That the Auditor of State is hereby authorized to rent the hall of the House of Representatives, during the time it is *not* needed for State purposes, to M. B. Crawford, of Topeka.

Message from the Governor :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 18th, 1865. }

To the House of Representatives :

I have approved House Bill No. 102, "An act defining the boundary line of Morris county."

House Bill No. 179, "An act to amend an act relating to the binding of the Laws and Journals of the two Houses of the Legislature and volume of Public Documents.

S. J. CRAWFORD.

Report of Committee of Conference :

MR. PRESIDENT :—Your Committee on the part of the Joint Committee to confer on the disagreement between the House and Senate amendments to the appropriation Bill, would unanimously report as follows :

On the amendment, appertaining to the law library, we would report recommending, that the appropriation for the law library, be for the sum of one thousand dollars.

On the amendment in reference to the Penitentiary appropriation, we would report recommending the adoption of the Penitentiary appropriation in the following language, to wit: That the sum *now* in the treasury, heretofore appropriated for the construction of the Penitentiary, be and the same is hereby appropriated for the continuance of work upon the Penitentiary ; that the sum of seven thousand five hundred dollars herein appropriated for boarding, clothing, &c., State convicts, to be, and the same may be at the discretion of the Board of Directors, used for the purpose of the construction of the Penitentiary.

On the amendment, in reference to the militia appropriation, we

would report, recommending the militia appropriation in the following language, to wit: That the bonds heretofore ordered, issued for payment of claims for services in militia in the years prior to 1864, and for the year 1864, be and the same is hereby so appropriated for the payment of militia claims arising prior to October 1st, 1864, and all such sums of money now in the hands of the Paymaster General be, and the same are hereby placed under the order of the Governor, to be used in payment of such military claims for the years prior to the year 1864, as may be deemed necessary. All of which is respectfully submitted.

EDWARD RUSSELL, House,
MARTIN QUIGG, Senate.

Mr. Broadhead moved to agree to report of Committee of Conference.

The question being upon the motion to agree to report of Committee,

The ayes and noes being called, resulted as follows: Ayes 58, noes none.

Those gentlemen voting aye, were—

Messrs. Abraham, Benton, Broadhead, Brown, Campbell of the 33d, Campbell of the 51st, Cavender, Christy, Church, Cook, Cleavinger, Craig, Darby, Deitrick, Dutton, Dillie, Draper, Fairchild, Finn, Foster, Glick of the 31st, Griswold, Hanway, Harvey, Hendricks, Houts, Hodgson, Hughes, Karr, Kennedy of the 36th, Leland, Leonard, Loomis, Macdonald, Martindale, Morrow, McLellan, Moody, Page, Payne, Rawlings, Riddle, Rice, Rogers, Russell, Scudder, Shepherd, Snyder, Sutherland, Storch, Stratton, Strong, Stewart, Swift, Wells, West and Mr. Speaker.

A constitutional majority having voted aye, so the report of the Committee was agreed to.

Mr. Russell offered the following resolution, which was adopted:

Resolved, By the House of Representatives, the Senate concur-

ring, that the Legislature adjourn *sine die*, on Monday 20th day of February, A. D. 1865, at 12 M.

Leave of absence was granted to Mr. Harvey.

Mr. Page offered the following resolution, which was adopted:

Resolved, By the House of Representatives, the Senate concurring, that a Joint Committee be appointed to wait upon his Excellency the Governor, and inform him that the two Houses have finished their business, and inquire if he has any further communication to make to the Legislature.

Leave of absence was granted to Messrs. Deitrick, Draper, Kennedy of the 36th, Rawlings, Wells, Hodgson, Loomis, Campbell of the 51st, West, Broadhead, Glick of the 6th, Stewart Christy, McLellan, Sutherland, Hanway, Glick of the 31st, Cook, Storch, Fletcher, Abraham, Darby, Campbell of the 33d, Rogers, Stratton, Church and Shepherd.

Mr. Russell offered the following resolution which was adopted

Resolved, By the House of Representatives, the Senate concurring, that no *Daily State Records* be received by the Legislature after to-day, and his pay for such paper shall be allowed beyond the amount already appropriated in the grand appropriation Bill.

The Speaker appointed as Committee on the part of the House, to wait upon the Governor, Messrs. Page, Hodgson and Snyder.

Mr. Page, from Special Committee, made the following report:

MR. SPEAKER:—Your Committee to whom was referred the duty of waiting upon his Excellency, the Governor, to enquire if he had any further communication to make to the Legislature, would respectfully report that they have performed the duty assigned them, and the Governor has no further communication to make except the signing of Bills.

F. R. PAGE,

Chairman.

Message from the Senate:

MR. SPEAKER:—I am directed to inform the House that the Senate have concurred in House Concurrent Resolution No. —, "Relating to adjournment on Monday, February 20th, 1865, at 12 o'clock, M."

The Senate have also concurred in House Concurrent Resolution No. —, "Relating to the appointment of a Joint Committee to wait on the Governor, &c.," and the President, *pro. tem.*, of the Senate, has appointed Senators Eskridge, Melhoan and Horne, as such Committee on the part of the Senate.

The Senate have also concurred in House Concurrent Resolution No. —, "Relating to the *Daily State Record*."

A. SMITH DEVENNEY,

Secretary of the Senate.

Mr. Page offered the following resolution, which was adopted:

Resolved, That the Pages of this House be entitled to the same pay as voted to the Messengers of the Senate.

The Speaker appointed as additional Committee on Enrolled Bills, Messrs. Russell, Page and Strong:

On motion, House adjourned until Monday at 11 A. M.

MORNING SESSION.

TOPEKA, FEB. 20, 1865, 9 o'CLOCK, A. M.

House called to order.

Speaker in the chair.

Roll called.

No quorum present.

Present—Messrs. Benton, Finn, Fletcher, Griswold, Hendricks,
Leland, Macdonald, Page, Russell, Scudder and Mr. Speaker.

Journal of Saturday read and approved.

Message from the Governor :

STATE OF KANSAS, EXECUTIVE DEPARTMENT, }
TOPEKA, February 20, 1865. }

To the House of Representatives :

I have approved House Bill No. 173.

S. J. CRAWFORD.

The hour fixed by Concurrent Resolution for the adjournment of
the Legislature having arrived, the Speaker declared the House ad-
journed *sine die*.

D. B. EMMERT,
Chief Clerk.

